

## PLANNING COMMISSION MEETING

Wednesday, February 21, 2024 at 6:30 PM

City Council Chambers, 125 SW "E" Street, Madras, OR 97741

Telephone (541) 475-2344 [www.ci.madras.or.us](http://www.ci.madras.or.us)

This meeting is open to the public. Audio/Video of the meeting will be available on our website within 24 hours following the meeting. This agenda includes a list of the principal subjects anticipated to be considered at the meeting. However, the agenda does not limit the ability of the Commission to consider additional subjects. Meetings may be canceled without notice. Zoom participants should use the "raise your hand" feature during the public comment portions of the meeting to alert the moderator that they would like to speak.

### Zoom Link:

<https://us02web.zoom.us/j/89158939359?pwd=9SriNOpzLXhLOlsJZvfqG2a61Sf6C7.1>

Dial: **253-215-8782**

Meeting ID: **891 5893 9359**

Passcode: **465328**

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## MADRAS PLANNING COMMISSION AGENDA

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### I. Call Meeting to Order

### II. Roll Call

### III. Public Hearing(s)

1. Stone Oak Application, Files No. ZC-23-1, SP-23-2, & SD-23-4 (Quasi-Judicial)
  - A. Open Public Hearing
  - B. Planning Commission Chair reads quasi-judicial hearing statement
  - C. Staff Report
  - D. Applicant Testimony
  - E. Proponent Testimony
  - F. Neutral Testimony
  - G. Opponent Testimony
  - H. Applicant Rebuttal Testimony
  - I. Close Public Hearing
  - J. Planning Commission Deliberation

### IV. Additional Discussion

### V. Adjourn Meeting

**CITY OF MADRAS**  
**Request for Planning Commission Action**

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**Date Submitted:** February 14, 2024  
**Agenda Date Requested:** February 21, 2024  
**To:** Madras Planning Commission  
**From:** Fatima Taha, Community Development Associate  
**File:** ZC-23-1, SP-23-2, and SD-23-4  
**Subject:** **Stone Oak Zone Change, Site Plan Review, and Subdivision Applications.**

**TYPE OF ACTION REQUESTED: (Check One)**

- |   |                                    |
|---|------------------------------------|
| <input type="checkbox"/> Resolution                             | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> <b>Formal Action/Motion</b> | <input type="checkbox"/> Other     |
| <input type="checkbox"/> No Action - Report & Discussion Only   |                                    |

**MOTION FOR PLANNING COMMISSION ACTION:**

I move that the Planning Commission make a recommendation to the City Council to approve the proposed Plan Amendment and Zone Change, Site Plan, and Subdivision, File No. ZC-23-1, SP-23-2, and SD-23-4 based on the Planning Commission Recommended Findings and Decision.

**OVERVIEW:**

Momentasize, LLC, et al., (applicant) have filed requests for a Plan Amendment and Zone Change from Moderate Density Residential (R-1) to Planned Residential Development (R-3) which identifies final actions on a proposed zone change use pursuant to Type III and requires approval from the Madras Planning Commission. This proposal also a four (4) Lot Subdivision for three (3) Single-Family Dwelling lots and a multifamily lot, and Site Plan Review for a sixty (60) unit Apartment Development. The proposed Site Plan and Subdivision are being reviewed concurrently with the zone change through a Type III process. City staff did not see any demonstrative reason to impose additional conditions of approval, beyond those specified in the Planning Commission Findings and Decision, for the proposed Plan Amendment and Zone Change.

**DISCUSSION:**

The applicant has proposed a Plan Amendment and Zone Change of the subject property (11-13-01CA-2203) from Moderate Family Residential (R-1) to Planned Residential Development (R-3) to allow a 60-unit residential development to be permitted. Staff has issued the required adjacent property owner, newspaper public hearing, and agency notices. The proposed zone change is subject to the compliance with the Transportation Planning Rule (OAR 660-12-0060) and the applicant has submitted a TIA and a revised TPR analysis to demonstrate compliance with these Rules. On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed zone change, site plan, and subdivision. In the recent meeting, a quorum was not reached. The hearing continued in the Council Chambers on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City Hall located at 125 SW "E" Street. At the February 21, 2024, Planning Commission hearing staff will provide findings for the Planning Commission to consider utilizing for a decision on the proposal.

**120-Day Clock**

Quasi-judicial land use decisions are required to be issued and final within 120 days from the date the application is deemed complete. The applicant was submitted and deemed complete on September 15, 2023. On January 2, 2024, the applicant submitted an extension request of the 120-day clock by 60 days under ORS 227.178 (5), which means a final decision is due on or before May 4, 2024. On February 21, 2024, the application will be on day 107 of the 120-day clock.

**Notice:**

Notice was sent by staff to adjacent property owners on November 8, 2023 (re-noticed on January 19, 2024), and to the Development Team on November 8, 2023 (re-noticed on January 19, 2024). Notice was published in the Madras Pioneer on December 20, 2023, 28 days prior to the scheduled January 17, 2024, Planning Commission meeting and on January 17, 2024, 27 days prior to the scheduled February 13, 2024, City Council meeting. A re-notice was published in the Madras Pioneer on January 24, 2024, 28 days prior to the scheduled February 21, 2024, Planning Commission meeting and on February 14, 2024, 27 days prior to the scheduled March 12, 2024, City Council meeting.

**DOCUMENTATION:**

Attachment A: Planning Commission Recommended Findings and Decision.

**STAFF RECOMMENDATION:**

I move that the Planning Commission make a recommendation to the City Council to approve the proposed Plan Amendment and Zone Change, Site Plan, and Subdivision, File No. ZC-23-1, SP-23-2, and SD-23-4 based on the Planning Commission Recommended Findings and Decision.



**COMMUNITY DEVELOPMENT DEPARTMENT  
125 SW "E" Street  
Madras, OR 97741  
PLANNING COMMISSION  
RECOMMENDED FINDINGS AND DECISION**

**FILE:** ZC-23-1, SP-23-2, and SD-23-4

**120-Day Clock:** The application was received on September 15, 2023. The application was deemed complete on November 6, 2023. On January 2, 2024, the applicant submitted an extension request of the 120-day clock by 60 days under ORS 227.178 (5), which means a final decision is due on or before May 4, 2024. This land use decision was rendered on February 21, 2024, which is day 107 of the 120-day clock.

**PUBLIC HEARING:** On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed site plan and subdivision. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm.

**APPLICANT/  
PROPERTY OWNER:** Momentasize, LLC et al.  
P.O. Box 6901  
Bend, OR 97708

**LOCATION:** The subject property is adjacent to NE Oak Street. The property is not addressed but is identified as Tax Lot 2203 on Jefferson County Assessor's Map No. 11-13-01CA.

**ZONING:** Moderate Density Residential (R-1)

**REQUEST:** Plan Amendment and Zone Change from Moderate Density Residential (R-1) to Planned Residential Development (R-3), four (4) Lot Subdivision for three (3) Single-Family Dwelling lots and a multifamily lot, and Site Plan Review for a sixty (60) unit Apartment Development.

**DECISION  
CLASSIFICATION:** Type III, Quasi-Judicial.

**STAFF REVIEWER:** Fatima Taha, Associate Planner  
[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us), 541-475-2344



## APPLICABLE ORDINANCE PROVISIONS AND CITY POLICIES

### **I. APPLICABLE CRITERIA:**

The following City of Madras Plans, Standards, and Ordinances may be applicable to the proposal:

#### **Statewide Land Use Planning Goals**

- Oregon's Statewide Land Use Planning Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

#### **Oregon Administrative Rules**

- 660-012-0060 (Transportation Planning Rule).

#### **Madras Comprehensive Plan**

- Goals 1, 2, 6, 10, 11, 12 and 14.
- Administrative Provisions for Quasi-Judicial Revisions
- Madras Transportation System Plan (No. 926).
- Madras Parks Master Plan (2019)

#### **Madras Public Improvement Design & Construction Standards, Title 12.45**

#### **Madras Development Code, Title 18**

1. Chapter 1 Government and Administration, Definitions, Right of Entry, Power to Charge Fees and Rates by Resolution.
2. Chapter 3, System Development Charges authority
3. Chapter 10, Traffic Control.
4. Chapter 18 of the Madras Municipal Code (Development Code):
  - Chapter 18.10 – Basic Provisions
  - Chapter 18.15 – Land Use Zone
    - Section 18.15.040 – Moderate density residential (R-1), higher density residential (R-2), and planned residential development (R-3).
    - Section 18.15.060 – Planned residential development (R-3).
  - Chapter 18.20 – Public Improvement Standards
  - Chapter 18.25 – Supplementary Provisions
  - Chapter 18.30 – Special Standards for Certain Uses
    - Section 18.30.190 – Residential Design Standards
  - Chapter 18.35 – Signs (only if the applicant is proposing signs as part of the application)
  - Chapter 18.40: Zoning Review, Site Plan Review, and Design Review
  - Chapter 18.60 – Land Divisions, Replats, and Property Line Adjustments.
  - Chapter 18.75 – Amendments
  - Chapter 18.80 – Administrative Provisions
6. City of Madras Comprehensive Plan (Ordinance No. 918)
7. City of Madras Public Improvement Design & Construction Standards, Ordinance #922, as amended.
8. City of Madras Transportation Systems Plan, 2019 (Ordinance NO. 926).
9. City of Madras Wastewater System Plan Master Plan, 2018 (Ordinance No. 918).
10. Stormwater Master Plan, April 2005.
11. City Resolution 18-2021, City Fee Rate and Schedule as amended.
12. ITE Trip Generation Manual, Handbook and User's Guide, 10<sup>th</sup> Edition.

Zone Change, Site Plan, and Subdivision: Stone Oak

Files No. ZC-23-1, SP-23-2, and SD-23-4

Note: The City of Madras, when issuing a Findings and Decision for development, attempts to list all applicable City Ordinances and requirements. However, should the City inadvertently not specify a particular ordinance, policy or standard, that oversight does not relieve the applicant from meeting the requirements from that ordinance, policy or standard, or remove the City’s obligation and authority to enforce that ordinance, policy or standard.

**FINDINGS**

**II. EXHIBITS:**

The following exhibits make up the record in this matter and are on file with the Community Development Department and are incorporated herein by reference into this land use decision to demonstrate compliance with the applicable approval criteria and supplement the findings and conditions of approval.

<b>Exhibit A:</b>	Zone Change, Subdivision, and Site Plan Review Applications and materials submitted by the applicant on September 15, 2023, and thereafter.
<b>Exhibit B:</b>	November 8, 2023, Adjacent Property Owner Notice.
<b>Exhibit C:</b>	Development Team notice and comments dated November 8, 2023.
<b>Exhibit D:</b>	City of Madras Public Works Director Memorandum dated October 10, 2023.
<b>Exhibit E:</b>	December 20, 2023 & January 17, 2024, public hearing notice in Madras Pioneer.
<b>Exhibit F:</b>	January 19, 2024, Adjacent Property Owner Re-notice.
<b>Exhibit G:</b>	Development Team re-notice dated January 19, 2024.
<b>Exhibit H:</b>	January 24, 2024 & February 14, 2024, public hearing re-notice in Madras Pioneer.
<b>Exhibit I:</b>	Extension requested filed by the applicant on January 2, 2024.
<b>Exhibit J:</b>	Subdivision Findings and Decision, Land Use file SD-23-1.
<b>Exhibit K:</b>	Revised TPR analysis submitted on November 20, 2023.

**III. FINDINGS OF FACT:**

**1. PROPERTY LOCATION:**

The subject properties are adjacent to NE Oak Street between NE 12th Street and NE Hillcrest Street. The properties are not addressed but are identified as Tax Lot 2203 on Jefferson County Assessor’s Map No. 11-13-01CA (See Figure 1 below).

**2. ZONING AND COMPREHENSIVE PLAN DESIGNATION:**

The property is designated and zoned Moderate Density Residential (R-1) on the City of Madras Urban Area Comprehensive Plan and Zoning Map (See Figure 2 below).

**3. SITE DESCRIPTION AND SURROUNDING USES:**

The subject property is approx. 3.5 acres. The property has gentle east to west slope and is vegetated with native grasses, rabbit brush, and sage brush.

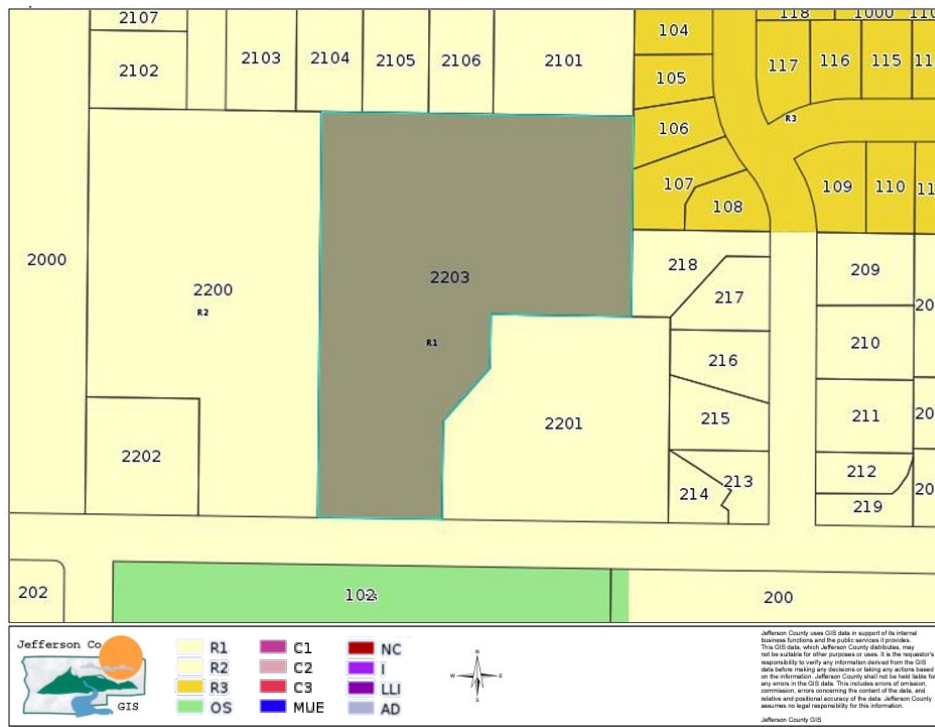
**4. PROPOSAL:**

Plan Amendment and Zone Change from Moderate Density Residential (R-1) to Planned Residential Development (R-3), four (4) Lot Subdivision for three (3) Single-Family Dwelling lots and a multifamily lot, and Site Plan Review for a sixty (60) unit Apartment Development.

Figure 1. Aerial Photograph of Subject Property.



Figure 2. Comprehensive Plan Designation and Zoning.



**5. SURROUNDING USES:**

Properties to the north, south, east, and south within City limits. The zoning and development status of adjacent properties is listed in Table 1 below.

**Table 1. Zoning & Development Status of Adjacent Properties**

<b>Direction from Subject Property</b>	<b>Existing Land Use</b>	<b>Map &amp; Tax Lot</b>	<b>Existing Zoning</b>
North	Residential – Developed	11-13-1CA-2101 11-13-1CA-2105 11-13-1CA-2106	R-1
	Residential – Undeveloped	11-13-1CA-2104	
South	Open Space – Developed	11-13-1CD-102	OS
East	Residential – Developed	11-13-1DB-106 11-13-1DB-107	R-3
		11-13-1DB-218	R-1
		11-13-1CA-2201	R-2
West	Residential – Developed	11-13-1CA-2200	R-2

**6. DEVELOPMENT TEAM COMMENTS:**

**Deschutes Valley Water District:**

No comments were provided.

**City of Madras Public Works Director:**

The City of Madras Public Works Director provided the City comments identifying the site condition that they own and maintain on tax lot 2203 on Jefferson County Assessor’s Map No. 11-13-1CA. The Director’s comments are located in the file for this land use action.

**Jefferson County Fire and EMS:**

No comments were provided.

**Jefferson County Building Department:**

Jefferson County Building Department provided comments on the City land use approvals related to the subject property. Comments are located in the file for this land use action.

No other agencies submitted comments for this application.

**III. FINDINGS AND CONCLUSIONS:**

**STATEWIDE LAND USE PLANNING GOALS**

**Goal 1: Citizen Involvement**

**FINDING:** Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. The City of Madras has already complied with this Goal by adopting a citizen involvement plan and establishing land use procedures that allow for public involvement in individual land use decisions. The subject application will be reviewed through a Type III process, which involves notice and public hearings to allow for public participation.

**Goal 2: Land Use**

**FINDING:** The City of Madras has fully implemented requirements for a comprehensive land use plan and land use regulations in accordance with Goal 2 and its implementing regulations. The subject application is subject to a Type III review process that ensures that land use decisions are made in a transparent fashion and supported by an adequate factual basis.

**Goal 3: Agricultural Lands**

**FINDING:** The proposal does not include any land identified for agricultural use. Therefore, Goal 3 does not apply to the application.

**Goal 4: Forest Lands**

**FINDING:** The proposal does not include any land identified for forest use. Therefore, Goal 4 does not apply to the application.

**Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources**

**FINDING:** The subject property is not included on any of the City's Goal 5 inventories. Therefore, Goal 5 does not apply to the application.

**Goal 6: Air, Water and Land Resource Quality**

**FINDING:** The proposal does not amend or otherwise affect any of the City's land use regulations designated to protect air, water, and land resource quality. Any development of the property under the new zoning designation will require compliance with the City's acknowledged land use regulations.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

**FINDING:** The subject property is not designated in any special hazard area.

**Goal 8: Recreational Need**

**FINDING:** This subject property is not designed for recreational use. However, the applicant will be obligated to comply with provisions of the Madras Development Code that addresses recreational uses as more specifically addressed below.

**Goal 9: Economic Development**

**FINDING:** This subject property is zoned residential. Therefore, Goal 9 is not applicable.

### **Goal 10: Housing**

**FINDING:** The proposed Comprehensive Plan Amendment does not impact the City's ability to comply with Goal 10. If anything, the proposal allows for greater development of needed housing than the existing zoning.

### **Goal 11: Public Facilities and Services**

**FINDING:** The City of Madras has planned for public services such as sewers, water, law enforcement, and fire protection. Because the applicant is concurrently applying for physical development, the impacts of the proposal can be specifically evaluated as further discussed below. The proposal, with the proposed conditions of approval, does not impair the City abilities to provide public facilities and services.

### **Goal 12: Transportation**

**FINDING:** Goal 12 is implemented by OAR 660-012-0060, which is discussed below.

### **Goal 13: Energy Conservation**

**FINDING:** The change in designation from R-1 to R-3 does not result in increased energy consumption or otherwise affect the City's land use regulations with respect to energy consumption. If anything, energy will be saved by allowing for development at greater densities than would be permitted under this existing zoning, which will allow for more compact development that might otherwise be required to accommodate the number of dwelling units proposed. Future development of the property will be required to comply with Oregon building codes that contain provisions for energy efficiency as part of construction.

### **Goal 14: Urbanization**

**FINDING:** Goal 14 requires cities to facilitate an efficient transition of rural lands to urban uses based on a city's demonstrated land needs. The Comprehensive Plan has addressed the need through the inventory of residential lands and the establishment of an urban growth boundary. The proposal does not change the City's supply of commercial, industrial or residential lands as it merely changes the specific residential zoning of a property already designated for residential use and located within the City's existing urban growth boundary.

### **Goal 15: Willamette Greenway**

**FINDING:** The City is not located within an area subject to Goal 15.

### **Goal 16: Estuarine Resources**

**FINDING:** The City is not located within an area subject to Goal 16.

### **Goal 17: Coastal shorelands**

**FINDING:** The City is not located within an area subject to Goal 17.

**Goal 18: Beaches and Dunes**

**FINDING:** The City is not located within an area subject to Goal 18.

**Goal 19: Ocean Resources**

**FINDING:** The City is not located within an area subject to Goal 19.

**CITY OF MADRAS COMPREHENSIVE PLAN**

**City Goal 1: To develop a Citizen Involvement program that insures the opportunity for all citizens to be involved in all phases of the planning process.**

**POLICY - The City shall insure an adequate citizen involvement in all phases of the planning process.**

**FINDING:** The amendment is a Quasi-Judicial amendment, which requires the application to go through a Type III process. The Type III process will require notice and public hearings. These procedures allow for citizen involvement as required under Goal 1.

**City Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**POLICY 2-A. The City and County shall insure that the Comprehensive Plan serves as a basis for future land use decision.**

**POLICY 2-B. The City and County shall be responsive to the changes in needs and conditions over time and amend the plan accordingly. The amendment process is discussed in the Land Use element.**

(...)

**FINDING:** The City has established a policy framework to address the land use planning process and ensure that there is a basis for all decisions and actions related to land decisions. The Madras Development Code outlines a process for requests to change the plan designation. The Quasi-Judicial process allows the City to be responsive to changing conditions and amend the plan as needed. Additional requirements for a Comprehensive Plan Map amendment established by the City's Comprehensive Plan are set out below.

(...)

**City Goal 6: To maintain and improve the quality of the air, water, and land resources of the City.**

**POLICY 6-A. All new construction within the City shall be connected to the City's municipal sewer system.**

(...)

**POLICY 6-C. That the City shall require all development to comply with all applicable state and federal environmental rules, regulations, and standards.**

**FINDING:** The Madras Development Code implements this goal by requiring new development to connect to the City's sewer system, integrating state and federal environmental rules, and requiring any additional state or federal permitting.

(...)

**City Goal 10: To provide for the housing needs of Citizens of the state**

(...)

**B. Encourage development of suitable housing to satisfy all income levels. The City will focus on development of housing affordable for people who live and work in Madras. The City will:**

- 1. Ensure that Madras' housing policies and ordinances allow for development of a range of housing types that meet the City's housing needs as described in the Madras Housing Capacity Analysis.**
- 2. Develop, maintain, and grow partnerships to support needed housing development.**
- 3. Support production of new housing and preservation of existing housing.**

**FINDING:** The City has implemented the Goal 10 policies by adopting provisions of the Development Code that provide for a variety of housing types. The proposal will allow for apartments in a form that could not be constructed under the existing zoning. The proposed apartments help meet the City's objectives to provide this needed housing type, which will be more affordable than typical single-family development that occurs within the R-1 zone or the form of apartments required under the R-1 zone. The proposal meets the objective of supporting the production of new housing.

**City Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**1. The City shall assure urban services (water, sewer and storm drainage services and transportation infrastructure) to residential, commercial and industrial lands within the City's Urban Growth Area as these lands are urbanized.**

**2. To minimize the cost of providing public services and infrastructure, the City shall discourage inefficient development without adequate public services and promote efficient use of urban and urbanizable land within the City's urban growth boundary, including requiring all urban development to be served by full urban services.**

**3. The City shall support development that is compatible with the City's ability to provide adequate public facilities and services.**

**4. The City shall prioritize development of land serviced by utilities and require the extension of water, sewer and storm drainage facilities for all urban level development within the UGB.**



(...)

**FINDING:** The City's master plans and development code implement the foregoing policies. Because the applicant is concurrently requesting approval for physical development, the impacts can be directly evaluated. As addressed below, with conditions of approvals, there is adequate capacity to serve the proposed development.

**City Goal 12: To provide and encourage a safe, convenient, and economical transportation system.**

**POLICY - The City shall maintain and improve the City's street network policies. The City shall undertake to resolve the following problems as noted in the inventories section of the Comprehensive Plan. These include:**

**A. Construction of a bridge over Willow Creek to connect 10th Street. This will provide better access to and from a growing residential area to the North of the City.**

**B. The intersection of northbound U.S. 97 and Adams Drive needs to be improved. The present "Y" situation creates a serious traffic hazard and can be easily corrected by turning Adams Drive sharply to form a 90 degree intersection.**

**C. Buff Street needs to be extended to Grizzly Road to provide better East-West circulation.**

**D. Although the following needs are out of the City's jurisdiction, the City urges and fully supports:**

**1) The placement of additional directional signs in the northbound lanes of 5th Street to announce the junction of Highways U.S. 26 and 97.**

**2) The short "U" turn at the South end of the one-way couplet is too short and creates a traffic hazard. The construction of a traffic island and slight relocation to the North of the EastWest lanes would enhance the situation greatly.**

**3) The addition of a stoplight on one intersection of both North and South bound lanes of the one-way couplet would be of tremendous benefit by slowing through traffic and easing East-West traffic movement. A suggested location to be considered is 5th and "D" Streets and 4th and "D" Streets, when traffic reaches sufficient levels to meet state standards.**

**E. During the formulation of this plan, serious consideration was given to the establishment of a highway bypass around the City. It is the City's official position to oppose any relocation of the existing highway through the City at the present time.**

**FINDING:** The subject property is not located adjacent to any of the aforementioned projects.

**City Goal 13: To conserve energy.**

**POLICY - The City shall:**

**A. Encourage more efficient use of utilities.**

**B. Conserve energy in the cost of construction and operation of utilities.**

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**C. Encourage the development of alternative energy sources, including solar energy.**

**FINIDNG:** The proposal does not have any impacts on the foregoing policies.

#### **ADMINISTRATIVE PROVISIONS FOR QUASI-JUDICIAL REVISIONS**

**A quasi-judicial revision is defined as an amendment to the Comprehensive Plan Map, which consists of an application of the policies of the Plan to a particular piece of property with no widespread significance and having no general applicability to areas of similar use.**

**A. Private individuals, property owners, or governmental agencies may initiate the proposed change. Cost for notification and advertising shall be borne by the applicant.**

**B. The adopted citizen and agency involvement programs shall be utilized to stimulate the public interest and participation in the amendment process.**

**C. A public hearing shall be conducted by the Planning Commission.**

**D. At least 21 days notice to the public of the public hearing shall be provided. The notice shall be published in a local newspaper of general circulation.**

**E. Individual notices shall be mailed to property owners within 250 feet of the area subject to the proposed change. These notices shall be mailed at least 21 days prior to the scheduled public hearing.**

**F. In order to submit a favorable recommendation for the proposed change to the City Council, the Planning Commission shall establish the compelling reasons and make the following finding of fact for the proposed change:**

- 1. The proposed change will be in conformance with the statewide planning goals.**
- 2. There is a demonstrated public need for the proposed change.**

**G. The City Council, upon receipt of the Planning Commission recommendations, may adopt, reject, or modify the recommendation or may conduct a second public hearing on the proposed change.**

**H. In all proposed amendment actions, the City Council must make the final decision to adopt or deny the proposed action.**

**FINDING:** The City's Comprehensive Plan provides these additional requirements for an amendment to the Comprehensive Plan Map. Staff has followed all of the procedural requirements and a final decision will be made by the City Council based on a recommendation from the Planning Commission.

Compliance with the statewide planning goals was addressed above. A public need exists because the City needs more affordable housing and apartments, which are not permitted in the format proposed under existing zoning, are more affordable than the typical single family dwelling development that occurs under the R-1 zone or the form of apartments permitted under the R-1 zone.

#### **MADRAS DEVELOPMENT CODE Chapter [18.10](#): BASIC PROVISIONS**

##### **SECTION [18.10.010](#) Compliance with Development Code provisions.**

Zone Change, Site Plan, and Subdivision: Stone Oak

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**(1) No building (or part of a building) may be erected, moved, or altered, and no lot may be altered, unless the action conforms with the regulations herein specified for the zone in which it is located, except as otherwise provided herein.**

**(2) No permit for construction or alteration of any building may be issued unless plans, specifications, and intended uses of such building have first been submitted and on file with the Community Development Department and conform in all respects with the provisions of this Development Code.**

**(3) No land may be divided, unless and until the person proposing the land division, or his authorized agent or representative, has made application in writing to the City and the City determined the proposed land division is in compliance with the requirements and procedures established by this Development Code.**

**FINDING:** Applicant is subject to provisions set forth in Madras Development Code.

**CONDITION OF APPROVAL:** Applicant shall apply for necessary development and building permits from the City of Madras and Jefferson County.

**(4) If state or federal law provides some higher or different approval criteria, the applicant must demonstrate compliance with such state or federal law. [Ord. 933 § 2.1, 2019.]**

**FINDING:** Applicant provided additional documentation, plans, and maps demonstrating compliance with federal regulations. However, the Applicant is subject to compliance with the City of Madras regulations.

**SECTION [18.10.020](#) Preexisting approvals.**

**(1) Legality of Preexisting Approvals. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which applications were filed prior to the effective date of the ordinance codified in this Development Code, and which have not legally expired, may occur pursuant to such approvals except that modifications to development approvals must comply with MDC [18.80.290](#), Modification of Approval. All conditions of preexisting approvals shall apply.**

**(2) Subsequent Development Applications. All development proposals and applications received by the Community Development Director after the adoption of any applicable land use regulation codified in this Development Code are subject to review for conformance with the standards under this Development Code or as otherwise provided by state or federal law. [Ord. 933 § 2.2, 2019.]**

**FINDING:** Land use file no. SD-23-1 was previously approved for a 10-lot subdivision. All conditions of the pre-existing approval in the land use file SD-23-1 shall apply in the Zone Change, Subdivision, and Site Plan Review proposals.

**SECTION [18.10.030](#) Building permit and certificate of occupancy.**

**(1) Building Permit.** A building permit shall not be issued until a land use approval has been issued in accordance with the provisions of this Development Code, unless the Community Development Director has otherwise found that a land use approval is not required.

**(2) Certificate of Occupancy Required.** To ensure completion of a development or use in the manner approved, a development must not be occupied and a use must not begin until the Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.

**(3) Prior to Final Completion.** Prior to the final completion of all work, a temporary certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain. [Ord. 933 § 2.3, 2019.]

**FINDING:** Applicant is subject to the provision of MDC 18.10.030.

**CONDITION OF APPROVAL:** Applicant shall apply for building permits from Jefferson County prior to starting construction of modifications.

**SECTION [18.10.040](#)    Illegal occupancy**

Any use of premises or a building which deviates from or violates any of the provisions of this Development Code shall be deemed an illegal occupancy and the persons responsible shall be subject to the penalties herein provided. [Ord. 933 § 2.4, 2019.]

**FINDING:** Applicant is subject to the provision of MDC 18.10.040.

**SECTION [18.10.050](#)    Enforcement.**

**(1) Administration.** It is the duty of the Community Development Director to enforce the provisions of the Development Code.

**(2) Building Permits.** No building permit shall be issued for any development that does not conform to the requirements of the Development Code or to any property that is currently in violation of the Development Code.

**(3) Authority.** Whenever necessary to enforce the provisions of this Development Code, the Community Development Director may pursue any remedy provided by law, without prejudice to any other available remedy, including, without limitation, entering into voluntary compliance agreements with the violator.

**(4) Violation of this Development Code as a Nuisance.** The construction, erection, location, enlargement, or use or change in use of any structure or property in violation of this Development Code of those conditions and limitations approved pursuant to the provisions of this Development Code is deemed a nuisance and may be enjoined, abated, or removed pursuant to the procedures set forth in the City's nuisance ordinance, Chapter [8.15](#) MMC.

**(5) Code Enforcement and Land Use.**

- (a) Except as described in subsection [\(5\)\(d\)](#) of this section, if any property is in violation of this Development Code, any other City ordinance, and/or the conditions of approval of any land use decisions or building permits previously issued, the City shall not:
  - (i) Approve any land use permit;
  - (ii) Make any other land use decision, including land divisions and/or property line adjustments; or
  - (iii) Authorize issuance of a building permit.
- (b) As part of the application process, the applicant must certify:
  - (i) That to the best of the applicant’s knowledge, the subject property, including any prior development phases of the property, is currently in compliance with both the Development Code and any prior land use approvals for the development of the property; or
  - (ii) That the application is for the purpose of bringing the property into compliance with the Development Code and/or prior land use approvals.
- (c) A violation means the property has been determined to not be in compliance either through a prior notice or decision by the City or other tribunal, through the review process of the current application, or through an acknowledgement by the alleged violator in a signed voluntary compliance agreement.
- (d) A permit or other approval, including building permit applications, may be authorized if:
  - (i) It results in the property coming into full compliance with all applicable provisions of federal, state, or local laws, including, without limitation, the Development Code;
  - (ii) It is necessary to protect the public health or safety;
  - (iii) It is for work related to and within a valid utility or right-of-way easement over, on, or under the affected property; or
  - (iv) It is for emergency repairs to make a structure habitable or a right-of-way passable.
- (e) Public Health and Safety.
  - (i) For the purposes of this section, “public health and safety” means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger life, health, personal property, or safety of the residents of the property or the public.
  - (ii) Examples of that situation include, but are not limited to, issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failure.

**(6) Revocation for False Statement.** The Planning Commission may revoke any permit granted pursuant to the provisions of this Development Code if it is determined that the permit was issued on account of false statements contained in the application form or false representations made at a public hearing.

**(7) Revocation for Nonconformance.** The Planning Commission may revoke any permit granted pursuant to the provisions to this Development Code for failure to comply with those conditions and limitations placed upon the exercise of the permit.

**(8) Revocation Hearing.** A public hearing held pursuant to the provisions in Chapter [18.80](#) MDC must be held prior to revocation of a permit.

(9) **Who May Request Revocation Hearing.** A revocation hearing shall be held by the Planning Commission at the request of the Community Development Director or an interested person who has reasonable cause to believe that the provisions of this Development Code have been violated.

(10) **Penalties for Violation.**

(a) A violation of any provision of this Development Code, with each violation constituting a separate offense, is punishable upon conviction by:

(i) A fine of not more than one hundred dollars (\$100.00) for each day of violation where the offense is a continuing offense; or

(ii) A fine of not more than five hundred dollars (\$500.00) where the offense is not a continuing offense.

(b) The remedies available under this subsection are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within the discretion of City to seek cumulative remedies for a violation of the Development Code. [Ord. 933 § 2.5, 2019.]

**FINDING:** Applicant is subject to the provisions set forth in MDC 18.10.050.

**SECTION [18.10.060](#) Official documents.**

Official land use regulation documents including, without limitation, the City's Zoning Map and this Development Code, are kept at Madras City Hall. Because land use regulations are amended from time to time, interested parties are advised to consult the official documents. [Ord. 933 § 2.6, 2019.]

**SECTION [18.10.070](#) Fees authorized.**

The City is authorized to collect appropriate fees for services performed by the Community Development Department and for all applications and proceedings authorized under this Development Code. Fees are established by the City Council by resolution. Payment of fees must be made prior to the City initiating the requested service or submitting the desired application. [Ord. 933 § 2.7, 2019.]

**SECTION [18.10.080](#) Codification.**

This Development Code is a codification of all land use regulations adopted by the City of Madras. Despite the adoption date of the Development Code, each land use regulation contained herein shall retain the effective date of the ordinance in which it was originally adopted. References in other City ordinances to "Zoning Ordinance" or "Subdivision and Partition Ordinance" and similar references shall refer to this Development Code. All ordinances adopted by the City of Madras are maintained at City Hall and should be consulted to determine the effective date of a particular land use regulation. [Ord. 933 § 2.8, 2019.]

**SECTION [18.10.090](#) Interpretation.**

(1) **Purpose Statements.** Any purpose statements included in this Development Code are only for context and should not be construed as independent approval criteria requiring findings.

(2) **Most Restrictive Regulations Apply.** Where the provisions of this Development Code conflict with comparable standards described in any other ordinance, resolution, or regulation, the most restrictive regulations shall govern.

(3) As used in this Development Code, the singular includes the plural and the masculine includes the feminine and neuter; the word “may” is discretionary, the words “shall,” “must,” and “will” are mandatory. [Ord. 933 § 2.9, 2019.]

**SECTION [18.10.100](#) Severability.**

The provisions of this Development Code are severable. If any section, sentence, clause, or phrase of this Development Code is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the Development Code. [Ord. 933 § 2.10, 2019.]

**FINDING:** Staff finds Applicant is subject to provisions of MDC 18.10.060-MDC 18.10.100.

**Chapter [18.15](#): LAND USE ZONES**

**SECTION [18.15.010](#) Establishment of zoning districts and overlay designations.**

This Development Code hereby establishes the following land use zoning districts and overlay designations. Overlay designations establish supplemental regulations that supersede any conflicting regulation applicable to the primary zoning district. They are as follows:

<b>ZONE</b>	<b>DESIGNATION</b>
Moderate Density Residential	R-1
Higher Density Residential	R-2
Planned Residential Development	R-3
Corridor Commercial	C-1
Downtown Commercial	C-2
Community Commercial	C-3
Neighborhood Commercial	NC
Mixed-Use Employment	MUE
Industrial	I
Airport Development	AD
Large Lot Industrial	LLI

ZONE	DESIGNATION
<b>OVERLAY</b>	<b>DESIGNATION</b>
Airport Overlay	AO
Medical Overlay	MO
Master Planned Development Overlay	MPC
Flood Hazard Area	FH

[Ord. 968 § 2.5 (Exh. E), 2022; Ord. 933 § 3.1, 2019; Ord. 898 § 3, 2017.]

**FINDING:** The subject property is currently zoned Moderate Density Residential (R-1) and proposed to be rezoned Planned Residential Development (R-3).

**SECTION [18.15.020](#) Location of zones.**

The boundaries of the zones listed in this Development Code are indicated on the Madras Zoning Map, which is hereby adopted by reference. The boundaries may be modified in accordance with Zoning Map amendments pursuant to this section and will be adopted by reference. [Ord. 933 § 3.2, 2019.]

**FINDING:** Applicant is proposing to amend the Madras Zoning Map to change the zoning designation of the subject property from R-1 to R-3. The site is adjacent to residential developments on the east and west property lines that are zoned R-2. To the northwest, the site is adjacent to single family dwellings zoned R-3 and the St. Charles Madras Hospital across from Oak Street to the south is zoned OS.

**SECTION [18.15.030](#) Zoning district boundaries.**

Unless otherwise specified, zoning district boundaries are lines that may also be identified as lot lines, centerlines of streets, alleys, canal or railroad rights-of-way, watercourses, ridges or rimrocks, or other readily recognizable or identifiable natural features. Whenever any uncertainty exists as to the boundary of a zone as shown on the Zoning Map, the following regulations shall control:

- (1) Where a zoning district boundary line is indicated as following a street, alley, canal, or railroad right-of-way, it shall be construed as following the centerline of such right-of-way.
- (2) Where a zoning district boundary line follows or approximately coincides with a section line, lot, or property ownership line, it shall be construed as following such line.
- (3) If a lot is split with two or more zoning district boundaries, the primary or predominant (which covers a majority of the lot) zoning district shall be the governing zone. The Community Development Director shall determine the governing zone. [Ord. 933 § 3.3, 2019.]



**SECTION [18.15.040](#) Moderate density residential (R-1), higher density residential (R-2), and planned residential development (R-3).**

**(1) Purpose Statements.**

- (a) The intent of the R-1 zone is to create, maintain, and promote residential neighborhoods, including:**
  - (i) To provide for larger lot sizes; and**
  - (ii) To allow a broad range of housing types while providing for essential development and design standards.**
- (b) The intent of the R-2 zone is to create, maintain, and promote residential neighborhoods with a mix of uses that serve as a buffer between commercial and residential zones, including:**
  - (i) To provide multi-unit dwellings and middle housing in close proximity to existing commercial uses to provide for easier access to goods and services for residents; and**
  - (ii) To allow a broad range of housing types while providing for essential development and design standards.**
- (c) The intent of the R-3 zone is to recognize and enhance areas of scenic quality and view amenities, including:**
  - (i) To allow for flexibility in project design while providing for essential development standards;**
  - (ii) To encourage development which is sensitive to the natural topography of the site, minimizes alterations to the land, and maintains and enhances significant natural resources;**
  - (iii) To provide for projects which are compatible with surrounding developments; and**
  - (iv) To facilitate circulation systems designed to be efficient and well-integrated with the City's overall circulation system without dominating the project.**

**(2) Uses.**

- (a) Types of Uses. For the purposes of this section, there are three types of uses:**
  - (i) A permitted use (P) is a use which is permitted outright subject to zoning review or site plan approval, as applicable, and to all of the applicable provisions of this code. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).**
  - (ii) A conditional use (C) is a use which must be approved at the discretion of the Planning Commission and subject to site plan approval, and to all of the applicable provisions of this code. The conditional use specific approval process and criteria are set forth in Chapter [18.65](#) MDC. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).**
  - (iii) A prohibited use (X) is one which is expressly prohibited in the zone. In addition, uses not specifically listed as permitted or conditional in MDC Table 18.15.040-1, or which are deemed to be similar uses pursuant to MDC [18.80.320](#), are also prohibited.**
- (b) Use Table. A list of permitted, conditional, and prohibited uses in residential zones is set forth in MDC Table 18.15.040-1.**

Uses	R-1	R-2	R-3	Limitations and qualifications
Residential living	P	P	P	See MDC Table 18.15.040-2 for permitted housing types.
Residential home facilities	P	P	P	In accordance with ORS <a href="#">197.665</a> (e.g., adult foster care).
Residential care facilities	X	P	P	In accordance with ORS <a href="#">197.665</a> (e.g., adult foster care).
Accessory structure	P/C	P/C	P/C	Accessory structures under 950 square feet are outright permitted; accessory structures 950 square feet or over require conditional use approval. Shipping containers, rail cars, semi-trailers and similar structures may not be used for temporary (or permanent) storage on parcels occupied by a dwelling unit.
Bed and breakfast	C	C	C	See MDC <a href="#">18.30.080</a> .
Churches	C	C	C	
Day care	P	P	P	
Home occupations	C	C	C	See MDC <a href="#">18.30.090</a> .
Lodges or civic organizations	C	C	X	
Medical and dental clinics, hospitals, sanitariums, rest homes, homes for the aged, nursing homes, or convalescent homes	C	C	X	Medical and dental clinics, hospitals, sanitariums, rest homes, homes for the aged, nursing homes or convalescent homes are defined conditional uses.
Model homes	P	P	P	Allowed only after construction plans have been approved by the City Public Works Director; occupancy and use are prohibited until documentation has been received by the City Public Works Director that the utilities have been connected.
Public buildings	C	C	X	Such as libraries, fire stations, police stations, offices for governmental uses, museums, and schools. Libraries, fire stations, museums, and schools are the only conditional uses permitted in the R-1 zone. Schools are the only conditional use permitted in the R-3 zone.
Public parks, recreation areas, and community centers	P	P	P	Subject to site plan review.
Public utilities, except for communication towers	C	C	X	Necessary public utilities and public services with safeguards against harm to adjacent or abutting

Uses	R-1	R-2	R-3	Limitations and qualifications
				residential property as required by the Planning Commission.

**Finding:** The applicant has proposed a permitted land use for an R-3 zone per Table 18.15.040-1. All future development of the subject property will be reviewed for compliance with MMC 18.15.40 when subsequent Zoning Review applications are filed.

**(3) Housing Types.**

**(a) Types of Housing Units.** For the purposes of this section, all types of permitted housing are listed in MDC Table 18.15.040-2 below. See MDC [18.05.030](#), Definitions, for specific descriptions of the housing types listed in the table. Minimum lot sizes noted for specific housing types apply only to new lots of record. Existing nonconforming lawfully established lots are permitted to develop housing types permitted in the applicable zone as long as all development standards in MDC Table 18.15.040-3 can be met.

**Table 18.15.040-2. Housing Types in the R-1, R-2, and R-3 Zone**

Use Category	R-1	R-3	Limitations and qualifications
Accessory dwelling unit	P	P	(a) Permitted in conjunction with one single detached dwelling.
Townhouse	P	P	(a) See MDC <a href="#">18.30.191</a> , Townhouse design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to three dwelling units, attached or detached	P	P	(a) Permitted on lots 5,000 square feet or greater, per MDC <a href="#">18.50.030</a> . (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to four dwelling units, attached or detached	P	P	(a) Permitted on lots 7,500 square feet or greater. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Cottage cluster	P	P	(a) See MDC <a href="#">18.30.192</a> , Cottage cluster design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Apartments	P	P	(a) Permitted on lots 7,500 square feet or greater (first four units), plus 1,000 square feet for each additional dwelling unit in R-1. (b) Permitted on lots 6,000 square feet or greater (first four units) plus 1,950 square feet for each additional dwelling unit in R-3.

Use Category	R-1	R-3	Limitations and qualifications
			<p>(c) Apartments in the R-1 zone are limited to no more than four units per structure, no more than 30 feet in height, no single façade on any single structure may exceed a width of 60 feet, and no more than 24 units in total.</p> <p>(d) See MDC <a href="#">18.30.190</a>, Residential design standards.</p>

**FINDING:** The uses on the lots within the proposed subdivision will be reviewed for consistency with MMC Tables 18.15.040-(1) & (2) prior to the issuance of Zoning Review by the City of Madras. The applicant proposed single family dwellings and apartments. Both types are permitted outright in the R-1 and R-3, but the R-3 zone allows for larger structures and a greater overall number of units. The lot for the proposed apartments is 120,865 square feet, which greatly exceeds the 109,800 square feet required for the 60 proposed apartment units.

**(4) Development Standards.** In the R-1, R-2, and R-3 zones, the development standards in MDC Table 18.15.040-3 apply. The standards in MDC Table 18.15.040-3 are not applicable to cottage cluster development or townhouse development. See development standards for these housing types in MDC [18.30.191](#) and [18.30.192](#).

**Table 18.15.040-3. Development Standards in the R-1, R-2, and R-3 Zones**

Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
<b>A. Lot Size Requirements</b>				
<b>1. Minimum lot size (square feet)</b>	<b>7,500</b>	<b>7,500</b>	<b>6,000</b>	Minimum lot size in this table applies to all new lots of record except for lots created as part of townhome or cottage cluster developments. For permitted housing types on this lot size see MDC Table 18.15.040-2 above. See MDC <a href="#">18.50.030</a> .
<b>2. Maximum lot coverage (percent of total lot area)</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>	See definition of lot coverage in MDC <a href="#">18.05.030</a> , Definitions, for explanation of what portions of a building on a lot are included.
<b>3. Minimum density (dwelling units per gross acre)</b>	<b>4</b>	<b>4</b>	<b>7</b>	A land division with the residential zones may create a remainder development lot in excess of one-half (1/2) acre only if approved as part of a phased subdivision.

Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
<b>B. Development Standards</b>				
<b>1. Minimum setbacks (feet)</b>				
a. Front	12			
b. Side	5			In the R-3 zone, apartments must be set back 15 feet from side and rear property lines.
c. Rear	5			
d. Garage loaded from a street	20			
e. Garage loaded from an alley	0 or 20			If off-street parking spaces are provided in front of garage, they must be of adequate length to accommodate a full vehicle length to avoid overhang in the right-of-way.
<b>2. Building height</b>				
a. Minimum building height (feet)	none			
b. Maximum building height (feet)	35	45		
<b>3. Side yard height plane (feet)</b>				
a. Maximum height at minimum required side yard depth (feet)	20	25	20	For illustration of the side yard height plane development standard, see MDC <a href="#">18.05.030</a> , Definitions.
b. Slope of plane (degrees)	45	45	45	

**FINDING:** As shown on the proposed plan submitted by the applicant, all of the proposed lots exceed the 6,000 sq. ft. minimum lot size for lots in the R-3 zone. The apartments lot will feature a lot coverage of \_\_\_\_\_. The proposed density of 18 units per acre exceeds the minimum R-3 Zone density of 7 units per acre and the 21.7 units per acre maximum density contemplated by the Comprehensive Plan. Setbacks are met per proposal plans submitted by the applicant. The proposed height of the apartment buildings is 39'-1-1/2", thus meeting standard of no more than 45 feet. All other standards in

Table 18.15.040-3 for the single-family dwellings will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**(5) Design Standards. All new one to four dwelling units, accessory dwelling units, townhouses, cottages, and apartments must comply with the design standards found in MDC [18.30.190](#)...**

**FINDING:** The applicant has proposed development on the lots within the proposed subdivision. These provisions are addressed below for the apartments. Single family dwellings will be evaluated as part of the Zoning Review process prior to issuance of a building permit. The applicable standards in MMC 18.30.190 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**(6) Off-Street Parking Regulations.**

**(a) See MDC Table [18.25.050-1](#), Required Vehicle Parking.**

**FINDING:** The applicant has proposed development on the lots within the proposed subdivision. The plans submitted by the applicant provide the information demonstrating compliance with MDC 18.15.040(6) with the parking requirements [1.0 space per dwelling unit]. The applicable standards in MMC 18.25.050-1 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**(7) Sanitation Regulations. Before any structure receives a certificate of occupancy, it must be connected to the City sewer system if the structure is within 300 feet of an existing public sewer line.**

**FINDING:** The applicant has proposed a city sewer connection to the proposed residential development. The applicant will extend sanitary sewer services and domestic water service prior to the issuance of Certificate of Occupancy. Exhibits A submitted by the applicant provide the information stated above for compliance with MDC 18.15.040(7). This standard is satisfied.

**(8) Water Regulations. Before any structure receives a certificate of occupancy, it must be connected to the City water system unless authorized by the City for connection to an adjoining water system.**

**FINDING:** Deschutes Valley Water supplies water to the site. The applicant must coordinate and perform Fire Hydrant layout and sizing, and fire flow requirements with Deschutes Valley Water & Jefferson County Fire Department. The applicant must provide a fire flow analysis to confirm fire hydrant capacity needs are satisfied. Perform all necessary design and capacity improvements as required to provide the necessary minimum flow to the new development. Fire flow analysis is required to determine capacity improvement needs. Development is responsible for all system improvement costs necessary to supply new building improvements. The City will review for compliance with the above stated standards prior to the issuance of Zoning Review by the City of Madras.

**(9) Flood Hazard Areas. Any structure proposed to be located in the flood hazard area must meet the standards of the Federal Emergency Management Agency (FEMA) and Chapter [18.45](#) MDC.**

**FINDING:** The subject property is not located in a 100-year Floodplain as shown on FIRM #4101030001C and therefore the above stated standard does not apply.

**(10) Lighting. All lighting must comply with the outdoor lighting standards.**

**FINDING:** The applicant has proposed development on the lots within the proposed subdivision. The applicable standards in MMC 18.25160 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**CONDITION OF APPROVAL:** Prior to the issuance of Zoning Review approval by the City of Madras, the applicant shall submit the manufacturer’s specification sheets for all outdoor lighting fixtures to the City of Madras.

(...)

**SECTION [18.15.060](#)** Planned residential development (R-3)  
Repealed by Ord. 968.

(...)

**Chapter [18.20](#): PUBLIC IMPROVEMENT AND SITE DEVELOPMENT STANDARDS**

**SECTION [18.20.010](#)** Compliance required.

**All development must be in compliance with this chapter. The term “public improvement standards” is not intended to be limited to publicly owned improvements but to any improvements governed or regulated by this chapter. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.1, 2019.]**

**FINDING:** The materials submitted by the applicant demonstrate that the requirements on MMC 18.20.010 are satisfied. Where the materials submitted by the applicant either do not directly address the requirements on MMC 18.20.010 or the proposal needs to be modified to comply, conditions of approval will be imposed herein this land use decision to ensure the proposal satisfies the above stated standard.

**SECTION [18.20.020](#)** Streets.

- (1) Access. No development may occur unless the development has frontage or approved access to a public or private street and the following standards are met:**
- (a) Streets within or adjacent to a development must be improved in accordance with the design and construction standards.**
  - (b) Development of new streets, and additional street width or improvements planned as a portion of an existing street, must be improved in accordance with this section, and public street right-of-way and private street easements must be dedicated to the City.**
  - (c) All new and/or existing streets and alleys must be paved per the design and construction standards.**

**FINDING:** NE Stone Oak Court may be dedicated, designed and constructed as a local street or the applicant may choose to design NE Stone Oak as a private Street. In both cases, an approved JCFD fire turnaround is required for dead ends longer than 150’. Streets will be developed in accordance with City’s Public Improvement Design and Construction Standards.

- (2) General. The location, width, and grade of streets must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system must assure an adequate traffic circulation**

system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Subdivisions must provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City has adopted a master development plan, street plan, or plat of a neighborhood or area of which the development is a part, the development must conform to such adopted plans or plat.

**FINDING:** Plans submitted by the applicant identifies private street that is consistent with the above stated factors.

**(3) Existing Streets.** Whenever existing streets, adjacent to or within a development, are of inadequate width to accommodate the increase in traffic expected from the development or by the City's transportation policies, additional right-of-way must be provided at the time of the land development by the applicant. During consideration of the development, the City Public Works Director will determine whether the improvements to existing streets, adjacent to or within the development, are required. If so determined, such improvements shall be required as a condition of approval of the application. Improvements to adjacent streets shall be required where traffic on said streets is directly affected by the proposed development.

**(4) Minimum Right-of-Way and Roadway Width.** The street right-of-way and roadway surfacing widths must be in conformance with standards and specifications set forth in the design and construction standards.

**FINDING:** Private streets require 20 feet width of pavement with no parking or 28 feet width of pavement with parking on one side. Private streets further require pavement to be a minimum of 3 inches of asphalt on 6 inches of aggregate base. No parking within 20 feet of the curb line nearest the intersection will be allowed. Private streets may only be constructed only in conjunction with creation of covenants, conditions and restrictions (CCR's) and the establishment of a homeowner's association for the development. The association will hold primary responsibility for parking enforcement and snow plowing with the City of Madras being acknowledged in the CCR's as a beneficiary for such parking enforcement as a violation of the land use decision and/or City code. As shown on plans submitted by the applicant, the NE Oak Street rights-of-way is configured in a manner consistent with the City's local street standards in the Public Improvement Design and Construction Standards. The proposed street and sidewalk are in a 48.5 foot wide private road tract, with a 26-foot-wide paved width. Therefore, the rights-of-way will meet City standards and the above stated standards.

**(5) Extension of Streets.** Streets must be extended "to and through" the development, meaning that streets meeting the design and construction standards are extended along all frontages. The resulting dead-end streets may be approved without a permanent turn-around.

**FINDING:** As shown on plans submitted by the applicant NE Oak Street is an existing street for which does not need to be extended as the entire subject property is adjacent to NE Oak Street. The proposed private street connects to NE Oak Street and extends north into the site, ending in the proposed apartment development. Therefore, there are no "to and through" improvements to be made.

**(6) Frontage and Access.** If a development abuts or contains an existing or proposed collector or arterial street, the Public Works Director shall restrict or limit access by means consistent with the



**design and construction standards. The Public Works Director may require private streets with access easements, reciprocal access easements, access restriction agreements, reserve strips, or similar requirements to achieve the objectives of this subsection. Provision may be made for emergency access. All private streets and access drives must comply with applicable standards set forth in the design and construction standards.**

**FINDING:** Access to each of the proposed parcels will be permitted in accordance with the City's Public Improvement Design and Construction Standards for Local Streets.

**(7) Continuation of Streets. New streets or street extensions that constitute the continuation of existing streets in contiguous territory must be aligned along their respective centerlines to produce a straight street. Where straight line continuations are not possible, such centerlines shall be continued as curves. These streets or the continuation of streets in contiguous territory may be required by the Public Works Director where such continuation is necessary to maintain the function of the street or desirable to support development of the surrounding area. Where solar orientation would not be possible if the street area continued, a new pattern acceptable to the Public Works Director may be started that is solar-oriented.**

**FINDING:** Given existing development, it is not practical to extend the proposed Stone Oak Court through the site. NE Oak Street already exists the entire frontage of the site. Therefore, this standard does not apply.

**(8) Street Layout. Streets should be oriented to form a grid to the greatest possible extent.**

**(9) Intersection Angles. Street intersections must be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.**

**FINDING:** As shown on plans submitted by the applicant has proposed extending NE Oak Court in a manner consistent with the above stated standards whereby NE Oak Street and Stone Oak they intersect at a 90-degree angle.

**(10) Street Names. Except for extensions of existing streets, no street name may be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers must conform to the established pattern in the City and are subject to the approval of the Fire Department and Public Works Director.**

**FINDING:** As shown on plans submitted by the applicant has proposed naming the private street NE Stone Oak Court addressing the requirements of the above stated standard.

**(11) Alignment and Separation. The alignment of streets and the separation distances between streets shall be governed by the design and construction standards. [Ord. 933 § 4.2, 2019.]**

**FINDING:** As shown on the plans submitted by the applicant has proposed dedicating NE Oak Street rights-of-way in a manner consistent with the City's local street standards in the Public Improvement Design and Construction Standards. Per the applicant narrative, the minimum separation distance for a local street is 150 feet. The closest intersections are 420 feet away (NE Oak Street and NE 12th Street) and 480 feet away (NE Oak Street and NE Hillcrest Street) measured centerline to centerline. The

parking lot for the Willow Creek Apartments is approximately 230 feet from the centerline of the proposed private street.

**SECTION [18.20.030](#) Sidewalks and pedestrian amenities.**

**(1) Sidewalks.** Sidewalks are required to be installed along all frontages of the subject property and on both sides of internal streets unless waived by the Public Works Director. The location of the sidewalks, whether curb side or property lines, will be determined by the Public Works Director.

**FINDING:** Some of the applicant’s plans have sidewalk on both sides of NE Stone Oak Court and some only have sidewalk on the west side of NE Stone Oak Court. Because the adjacent lot to the east is developed as a multifamily lot with pedestrian access off of Oak Street, the Public Works Director is not requiring sidewalks on the east side of NE Stone Oak Court. Applicant will be required to install the sidewalks along NE Oak Street along the frontage of the subject property. Sidewalks on the east side of NE Stone Oak Court serve no purpose to the adjacent parcel for future development. Consider removing the walk.

**CONDITION OF APPROVAL:** Applicant will be required to install the sidewalks along NE Oak Street along the frontage of the subject property. Sidewalks on the east side of NE Stone Oak Court serve no purpose to the adjacent parcel for future development. Consider removing the walk.

**(2) Bicycle Routes/Multi-Use Paths.** If appropriate to the extension of a system of bicycle routes and multi-use paths, existing or planned, the City may require the installation of separate bicycle lanes within streets and/or the dedication of easements or rights-of-way for multi-use paths. [Ord. 933 § 4.3, 2019.]

**FINDING:** Staff finds there are not existing or proposed bicycle routes or multi-use paths on or adjacent to the subject property therefore no changes are required to the proposed subdivision plan based on the above stated standard.

**SECTION [18.20.040](#) Frontage and access.**

Except as otherwise provided herein, every lot must abut a street (other than an alley) for at least 50 feet and access to all lots or parcels must comply with the access management strategies contained in the Transportation System Plan. Notwithstanding the foregoing, townhome/zero-lot line subdivisions (as defined in MDC [18.60.110](#)) may have as little as 25 feet of frontage, properties abutting a cul-de-sac only require 30 feet of frontage, properties within commercial zones may have as little as 30 feet if access is shared with at least one adjoining property with no less than 30 feet of frontage, and cottage lots within a cottage cluster subdivision need not have any frontage when abutting a public utility easement that connects to a street (to allow for extension of utilities to the lot) and access easements acceptable to City are provided to the cottage lot.

**Table 18.20.040.**

Type of Development	Minimum Frontage
Regular lot	50 feet

<b>Type of Development</b>	<b>Minimum Frontage</b>
Townhome/zero-lot line subdivision	25 feet
Lots fronting a cul-de-sac	30 feet
Lots in commercial zones	30 feet if access is shared with at least one adjoining property with no less than 30 feet of frontage
Cottage lots in cottage cluster	0 feet when abutting a public utility easement that connects to a street (to allow for extension of utilities to the lot) and access easements acceptable to City are provided to the cottage lot
<b>Type of Development</b>	<b>Minimum Frontage</b>
Regular lot	50 feet
Lots fronting a cul-de-sac	30 feet

**FINDING:** As shown on the plans submitted by the applicant, the lots within the proposed subdivision meet or exceed the standards for lots in Table 18.20.040. Cul-de-Sacs are to meet the criteria required by the fire department; this will include a minimum of a 50-foot paved radius and a minimum of a 57-foot right-of-way dedication radius (not counting additional slope area needs behind sidewalk) unless otherwise approved by the Fire Chief and the City. No cul-de-sacs are proposed.

**SECTION [18.20.050](#) Utilities.**

**(1) Underground Facilities.** All permanent utility services, both existing and any new proposed utilities infrastructure, must be provided from underground facilities and no overhead utility service shall be permitted; with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground. All development must:

- (a) Provide underground electricity and telephone service and wiring for future street lighting. The developer must also provide such present street lighting, gas lines, and cable television or other data transmission lines as may be required by the City Public Works Director.
- (b) Obtain all necessary permits for the placement of all underground utilities.
- (c) Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with the rules and regulations of the Public Utility Commission of the State of Oregon.
- (d) All underground utilities, sewer lines, and storm drains installed in streets must be constructed prior to the surfacing of such streets to the extent practicable, and sewer lines must be placed to such lengths as will obviate the necessity for disturbing the street improvements when service connections are made.
- (e) Utilities must be installed prior to paving or other surface improvements.

**FINDING:** The materials submitted by the applicant propose extending utilities underground. The applicant provided will serve letters. A public access easement and utility easement to the City of Madras and one to the Deschutes Valley Water District shall be granted to encompass the improvements to include pavement, curb, sidewalk and utilities. A private street may be allowed as it is not a thru street and will only serve 3 single family residences and a private multifamily development. The requirements for a private street require pavement to be a minimum of 3 inches on 6 inches of aggregate base. A public access easement and utility easement to the City of Madras and one to the Deschutes Valley Water District shall be granted to encompass the improvements to include pavement, curb, sidewalk and utilities. Private streets require 20 feet width of pavement with no parking or 28 feet width of pavement with parking on one side. All private streets may be constructed only in conjunction with creation of covenants, conditions and restrictions (CCR's) and the establishment of a homeowner's association for the development. The CCR's shall provide the primary responsibility for parking enforcement and snow plowing shall be the HOA, with the City of Madras being acknowledged in the CCR's as a beneficiary for such parking enforcement as a violation of the land use decision and/or City code. No parking within 20 feet of the curb line nearest the intersection will be allowed.

**(2) Utility Easements. Easements must be provided along property lines when necessary for the placement of utilities. Such easements must be "public utility easements" and must be marked as such on a final plat or any instrument dedicating such easements. Unless otherwise approved by the Public Works Director, utility easements must be at least 12 feet in width and centered on lot lines where possible.**

**FINDING:** Materials submitted by the applicant does identify easements therefore the above stated standard does apply. The applicant proposed a public utility easement along the property line adjacent to the new private street. The proposed utility easement is to be shown on recorded final plat.

**(3) Deferred Development. Locating or relocating utility installations underground for any development may be deferred when, in the discretion of the Public Works Director, impacts on existing utilities, timing of utility projects, or other considerations make deferral advantageous. Any such deferral must be memorialized in an instrument recorded against the property. [Ord. 933 § 4.5, 2019.]**

**FINDING:** The materials submitted by the applicant do not include a request to defer undergrounding utilities therefore the above stated standard does not apply.

**SECTION [18.20.060](#) Street trees.**

**(1) Purpose. This section sets standards and requirements for planting trees along all streets for shading, comfort, safety, and aesthetic purposes and is intended to implement the City of Madras Urban Forestry Plan. Requirements for street tree planting and tree wells are provided herein. Planting along unimproved streets must be deferred until after the construction of curbs and sidewalks. Such deferrals must be secured with a bond or cash deposit acceptable to the City. Street trees must conform to the following standards and guidelines:**

- (a) Street trees must be selected from the following list of preferred trees or of a species approved by the City Public Works Director:  
Cherry (Japanese Flowering)  
Crab Apple (Pink, Red, White)  
Golden-Raintree**

Hawthorn (English, Lavallo, Washington)  
Pear, Flowering  
Plum, Flowering Purple  
Redbud, Eastern  
Ash (Green, White)  
Birch, River  
Catalpa, Northern  
Ginkgo  
Hackberry, Common  
Honeylocust, Common Thornless  
Linden (American, Crimean, Littleleaf)  
Maple (Crimson King, Schwedler, Emerald Queen, Sugar)  
Pagoda Tree, Japanese  
Sweetgum, American  
Beech (American, European)  
Kentucky Coffeetree  
Oak (Bur, Pin, Red, Scarlet, White)  
Planetree, London

(b) All trees must have at least a one-inch caliper trunk and must be planted in accordance with City specifications.

(c) Trees must be spaced 30 to 40 feet apart or as recommended by the Public Works Director and must be planted no closer than 35 feet from any intersection.

(d) Street trees must be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees must be planted no closer to the curb or sidewalk than three feet, medium trees – three feet, and large trees – four feet. Root barriers may be required with street tree planting to protect the City's curbs and sidewalks.

(e) The placement of street trees may be waived if the Public Works Director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, or public or private utilities.

(f) For land divisions, the Public Works Director may defer the planting of street trees until physical development of the site where anticipated development may result in street trees being damaged or having to be replaced.

(g) All street trees must be maintained in a healthy and aesthetically pleasing manner. Any tree that dies or becomes diseased must be removed and replaced with a healthy tree within a reasonable time period of noticing that a tree needs to be removed. [Ord. 933 § 4.6, 2019.]

**FINDING:** The applicant is proposing to plant Goldenrain Trees along both sides of NE Stone Oak Court, to be reviewed and approved by the Public Works Director. When reviewing a Zoning Review for each lot, the City will review the associated plans for compliance with MMC 18.20.060. Nonetheless, it shall be a condition of approval that the developer of each lot shall install street trees in the landscaping strip in NE Stone Oak Street adjacent to each lot at the time of development in a manner consistent with the City's Public Improvement Design and Construction Standards and MMC 18.20.060.

**CONDITION OF APPROVAL:** The applicant is proposing to plant Goldenrain Trees along both sides of NE Stone Oak Court, to be reviewed and approved by the Public Works Director. The developer of each lot shall install street trees in the landscaping strip in NE Stone Oak Street adjacent to each lot (with Lot 4 responsible for east side of NE Stone Oak Court) at the time of development in a manner consistent with the City's Public Improvement Design and Construction Standards and MMC 18.20.060.

**SECTION [18.20.070](#) General provisions.**

**(1) Street Lighting. The developer must provide street lighting with underground wiring to the standards set forth in the design and construction standards.**

**FINDING:** The materials submitted by the applicant do not include provisions demonstrating compliance with the above stated standards. The Public Works Director's Memorandum for the proposed development dated October 10, 2023, include the requirement to install streetlights. Therefore, it shall be a condition of approval that the applicant is to submit construction plans to the Public Works Department for review and approval that includes the installation of streetlights in a manner consistent with the City's Public Improvement Design and Construction Standards.

**CONDITION OF APPROVAL:** Prior to final plat or building permit issuance, the applicant shall submit construction plans to the Public Works Department for review and approval that includes the installation of streetlights in a manner consistent with the City's Public Improvement Design and Construction Standards.

**(2) Fire Hazards. The Fire Marshal must approve the placement of fire hydrants or other firefighting apparatus, and the points of access to the subdivision to provide the residents adequate fire safety and assured access for emergency vehicles and ease resident evacuation.**

**FINDING:** The materials submitted by the applicant do not include provisions demonstrating compliance with the above stated standards. Prior to final plat, that applicant shall submit all necessary plans to the Jefferson County Fire & EMS District in accordance with the applicable standards administered by the District.

**CONDITION OF APPROVAL:** Prior to final plat, that applicant shall submit all necessary plans to the Jefferson County Fire & EMS District in accordance with the applicable standards administered by the District.

**(3) Water/Sewer. All development must provide water and sewer lines "to and through" the proposed development, be constructed to the design and construction standards, and approved by the City Public Works Director. All lots must be served from the City of Madras water system or by**

**water systems acceptable to the City. Water mains and service lines must be installed prior to the curbing and paving of new streets. [Ord. 933 § 4.7, 2019.]**

**FINDING:** As shown on the materials provided by the applicant, sewer and water service mains will be extended throughout the proposed development, but are not required to be extended through the site given that all of abutting properties are already served with utilities.

**SECTION 18.20.080 Grading and drainage.**

**(1) Grading. Except with the approval of the Public Works Director, grading or clearing is not permitted prior to receipt of land use approval. All grading must be performed to the standards set forth in the design and construction standards including, without limitation, requirements for dust abatement and noxious weed prevention.**

**FINDING:** The materials submitted by the applicant suggest that grading will be performed in accordance with City standards. It shall be a condition of approval that the applicant obtain prior written approval from the City of Madras Public Works Director for all grading and or clearing activities prior to the Public Works Department issuing Construction Plan approval.

**CONDITIION OF APPROVAL:** The applicant must obtain prior written approval from the City of Madras Public Works Director for all grading and or clearing activities prior to the Public Works Department issuing Construction Plan approval.

**(2) Drainage. Unless otherwise approved by the Public Works Director, all drainage must be managed on site. All development requiring grading must submit a stormwater management plan prepared by a licensed engineer demonstrating how the development will comply with the design and construction standards.**

**FINDING:** The Public Works Director’s Memorandum for the proposed development dated October 10, 2023, include the requirement for stormwater to be managed in accordance with City standards. The City is in the process of applying to the Department of Environmental Quality for a Water Pollution Control Facility Individual Underground Injection Control permit to have the ability to own and maintain public stormwater drywells/drill holes. The application was submitted in 2022 but has yet to be issued. The applicant has proposed utilizing underground injection control as a means of control stormwater for the proposed 4 lot subdivision. At this time, public underground injection control for stormwater is not allowed within the City of Madras. Therefore, it shall be a condition of approval that the applicant is to submit construction plans to the Public Works Department for review and approval that includes stormwater management in a manner consistent with the City’s Public Improvement Design and Construction Standards.

**CONDITION OF APPROVAL:** Prior to final plat or building permit issuance, the applicant is to submit construction plans to the Public Works Department for review and approval that includes stormwater management in a manner consistent with the City’s Public Improvement Design and Construction Standards. No construction will occur without such approval.

**(3) Watercourse. If a development is traversed by a watercourse, such as a drainage way, channel, or stream, the developer must dedicate a stormwater easement or drainage right-of-way conforming**

substantially with the lines of the watercourse or in such further width as will be adequate for the purpose as determined by the Public Works Director. Streets or parkways parallel to major watercourses and drainage ways may be required. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.8, 2019.]

**FINDING:** The subject property is not located near or adjacent to any watercourse and therefore the above stated standard does not apply.

**SECTION [18.20.090](#) Special setbacks.**

**(1) If special building setback lines are to be established as part of a development, they must be shown on the tentative plan or other submittal document and memorialized on the final plat or in other deed restrictions satisfactory to the City.**

**FINDING:** The applicant has not requested any special setbacks other than those specified in the standards identified in this land use decision. Similarly, no other agency has requested special setbacks.

**(2) If development is proposed along a street with substandard right-of-way, development on the subject property must be set back a distance from the centerline of the right-of-way equal to one-half (1/2) of the applicable minimum right-of-way width based on street classification as identified in the Transportation System Plan, plus the applicable setback for the zone in which the subject property is located. [Ord. 933 § 4.9, 2019.]**

**FINDING:** Materials submitted by the applicant identifies NE Stone Oak Street to be dedicated in a manner consistent with the City's local street standards. The street frontage along NE Oak Street is improved aside apart from a section of sidewalk which needs to be installed as part of this proposal. Therefore, the right-of-way that will be dedicated is appropriate and no special setbacks are necessary.

**SECTION [18.20.100](#) Improvement procedures.**

**In addition to other requirements, improvements to be installed by the applicant, either as a requirement of this Development Code or other applicable regulations, or at the election of the applicant, must conform to the requirements of this section.**

**(1) Plan Review and Approval. Improvement work must not be commenced until plans have been reviewed by the Subdivision Committee established pursuant to MDC [18.60.040](#). To the extent necessary for evaluation of a proposed development, such improvement plans may be required before land use approval.**

**(2) Improvements as Approved. Improvements must be designed, installed, and constructed as approved.**

**FINDING:** Materials submitted by the applicant do not specifically address the above stated standards, but just include general notes about conforming to City standards and specifications. Prior to commencing any work, plans and maps stamped by a licensed engineer will be submitted for review and approval by the Public Works Director. Based on the Public Works Director's Memorandum dated October 10, 2023, the applicant is to improve NE Stone Oak Street to the City's Local Street standard as identified in the City's Public Improvement Design and Construction Standards. Furthermore, the Public Works Director's Memorandum includes the timing of public street improvements. Based on the



applicant's ability to comply with the requirements of the Public Works Director's Memorandum dated October 10, 2023, the above stated standard is satisfied.

**CONDITION OF APPROVAL:** Prior to construction, the applicant shall submit public improvement plans in accordance with the Public Works Director's Memorandum dated October 10, 2023, and the City's Public Improvement Design and Construction Standards that are prepared and stamped by a licensed engineer. All improvements shall be constructed and inspected in accordance with the City's Public Improvement Design and Construction Standards.

**(3) Improvement Plans. Plans and maps stamped by a licensed engineer showing public improvements must be filed with the City Public Works Department prior to commencing the work.**

**(4) Inspection. Improvements must be constructed under the inspection and approval of the Public Works Director. The Public Works Director may accept certification of a registered professional engineer consistent with ORS [92.097](#). Expenses incurred shall be borne by the applicant.**

**(5) As-Built. "As-built" drawings stamped by a licensed engineer must be filed with the City upon completion of the public improvements. [Ord. 933 § 4.10, 2019.]**

**FINDING:** Materials submitted by the applicant do not satisfy the above stated standards. All plans and maps shall be stamped by a licensed engineer for the required NE Stone Oak public improvement plans.

**CONDITION OF APPROVAL:** Prior to construction, the applicant shall submit public improvement plans for NE Stone Oak Street improvements in accordance with the City's Public Improvement Design and Construction Standards that are prepared and stamped by a licensed engineer. Said improvements shall be constructed and inspected in accordance with the City's Public Improvement Design and Construction Standards.

**SECTION [18.20.110](#) Acceptance of improvements.**

**Improvements must be considered for acceptance after inspection by the City Public Works Department at the time the improvements are constructed. [Ord. 933 § 4.11, 2019.]**

**FINDING:** The materials submitted by the applicant do not address the above stated standards. Therefore it shall be a condition of approval that the applicant shall comply with the requirements of MMC 18.20.100 and MMC 18.20.110.

**CONDITION OF APPROVAL:** The applicant shall comply with the requirements of MMC 18.20.100 and MMC 18.20.110.

**SECTION [18.20.120](#) Public park dedication/park fund.**

**All subdivisions must comply with the following standards:**

**(1) All subdivisions must dedicate at least eight percent (8%) of the gross area of the property proposed to be subdivided to the City of Madras for public parks, open space, trails, and other recreational purposes.**

**(2) The Public Works Director will determine the manner in which the property is dedicated or conveyed to the City including, without limitation, the form of the instrument and the timing of the dedication or conveyance.**

**(3) Property dedicated to the City for public parks, open space, trails, and other recreational purposes should be located to ensure maximum access, visibility, use, reduce maintenance needs, to maintain public safety, and minimize adverse impacts to neighboring residents and must otherwise:**

**(a) Be consistent with the provisions of the City of Madras Parks and Open Space Master Plan;**

**(b) Front at least two public streets;**

**(c) Be located on a part of the site that can reasonably be developed with public parks, open space, trails, and other recreational purposes as determined by the Public Works Director considering: slope, topography, watercourses, drainage facilities, rock outcroppings, underground and overhead utility services, easements and encumbrances, availability of domestic water and sewer service, and proximity to existing or planned streets; and**

**(d) Comply with the City's Transportation System Plan, Trails Plan, and Safe Routes to School Plan standards and specifications for trail improvements.**

**FINDING:** The applicant has proposed subdividing 3.5 acres and no area dedicated for parks; therefore, the park obligation requirement will be 0.28 acres. The average real market value based on the most recent tax assessment by the Jefferson County Assessor is \$57,228 per acre. The public works director will allow the applicant to pay a fee in lieu of dedicating 0.28 acres of park space. The fee shall be \$16,054 and will be collected before final plat.

**CONDITION OF APPROVAL:** The public works director will allow the applicant to pay a fee in lieu of dedicating 0.28 acres of park space. The fee shall be \$16,054 to the City in lieu of the dedication of private property. This fee shall be paid by the developer to the City of Madras prior to issuance of building permits or final plat.

**(4) Trails crossing public right-of-way used for vehicular transportation (i.e., road crossings) must comply with standards specified in the City's Transportation System Plan, Trails Plan, Safe Routes to School Plan and Americans with Disabilities Act (ADA) including, without limitation, location, sight distances, and construction specifications.**

**FINDING:** The applicant has not proposed a trail crossing. Additionally, the Public Works Director's Memorandum for the proposed development does not include such requirement. Therefore, the above stated standard does not apply.

**(5) The Public Works Director, in his or her sole discretion, may allow a payment in lieu for all or a part of the required dedication of property to the City of Madras for public parks, trails, and recreational purposes. If a developer is permitted to pay fees to the City of Madras in lieu of dedicating property, the fees must be equal to eight percent (8%), or a proportionately lesser amount if a partial dedication/partial fee in lieu is approved, of the real market value (RMV) of the property proposed to be subdivided. The RMV of the property shall be established from the most recent tax assessment for the property proposed to be subdivided by the Jefferson County Assessor.**

**(6) Expenditure of Funds. Funds collected from a developer in lieu of dedicating public park, trail, and recreation land shall be credited to a park acquisition and development fund and must be deposited with the City Finance Director prior to the final plat of the subdivision (for multi-phase subdivisions,**

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prior to phase 1 final plat approval). Such funds may be expended only on order of the City Council for the purpose of acquiring, developing, or maintaining existing land for parks, trail, or recreational purposes. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 4.12, 2019.]

**FINDING:** As stated in the Public Works Director’s Memorandum dated October 10, 2023, the Director will not require the applicant to dedicate a portion of the subject property for a public park. Instead, the Director has required the applicant to pay a fee of \$16,054 to the City in lieu of the park dedication in the amount of 8% of the subject property’s the real market value (RMV) of \$57,228 based the 2023 Jefferson County Assessor’s tax assessment for the property. This fee shall be paid by the developer to the City of Madras prior to platting the first phase of the subdivision. In so doing, the requirements of MMC 18.20.120 are satisfied.

**CONDITION OF APPROVAL:** The applicant shall pay a fee of \$16,054 to the City in lieu of the dedication of private property. This fee shall be paid by the developer to the City of Madras prior to issuance of building permits or final plat.

**SECTION 18.20.130 Waiver, modification, and deferral of public improvement standards.**

**(1) Authority to Grant Waiver, Modification, or Deferral. Waivers, modifications, and/or deferrals of the standards of this chapter and/or the design and construction standards may be granted as part of a development approval only if the criteria of subsection (2) of this section are met.**

**(2) Criteria. The Public Works Director may waive, modify, or defer any requirement of the Public Improvement Standards and/or the design and construction standards if the Public Works Director finds that: (1) the waiver or modification will not harm or will be beneficial to the public in general; (2) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of ensuring adequate public facilities; and (3) one or more of the following conditions are met:**

- (a) The modification or waiver is necessary to eliminate or reduce impacts on existing drainage patterns or natural features such as riparian areas, significant trees or vegetation, or steep slopes.**
- (b) An existing structure, such as a substantial retaining wall, makes widening a street or right-of-way or required placement of lines impractical or undesirable.**
- (c) Street access to an existing lot would be eliminated without the waiver or modification.**
- (d) Building on an existing lot would be infeasible without the waiver or modification.**
- (e) The standard is a street or right-of-way standard and existing structures on the same side of the block make future widening of the remainder of the street or right-of-way unlikely and the additional width on the development site would not be beneficial for sidewalks or parking without the extension for the rest of the block.**
- (f) The modification or waiver is needed to allow development of, or street access to, the property because of topographical constraints.**
- (g) The existing infrastructure: (i) does not meet current standards; (ii) is and will remain functionally equivalent to current standards; and (iii) there is little likelihood that current standards will be met in the area.**
- (h) The installation of the required improvements would likely cause unacceptable significant adverse environmental impacts and the waiver/modification would avoid such impacts.**
- (i) There is insufficient right-of-way to allow a full width street cross-section and additional right-of-way cannot be provided.**

- (j) There is no street or right-of-way adjacent to the property and easement access has been obtained across private property.
- (k) Required street frontage improvements for individual single-family dwellings could best be accomplished by planned area-wide improvements at a future date.
- (l) The City has conflicting or inconsistent standards and the proposal would comply with one set of adopted standards. Standards are conflicting or inconsistent only when it is not possible to comply with both. In most situations, the more recently adopted standard should be followed and the older standard may be waived.
- (m) There is a readily identifiable future project in which the required improvements or other obligation of the developer under the Public Improvement Standards will be satisfied and deferral to the future project will not unduly burden the ability to serve the subject property or adjoining properties with public facilities.
- (n) Maximization of the number of lots or parcels in a land division is not a reason to allow a waiver or modification.

**FINDING:** The applicant has not requested any modifications to the applicable standards for development related to the public improvements. Therefore, the above stated standard does not apply.

**(3) Other Requirements Not Waived. Any waivers under this section do not exempt the developer from submitting plans that meet all other applicable specifications.**

**FINDING:** Unless specified herein, the applicable standards to the proposed subdivision.

**(4) Application Requirements. The application for a waiver, modification, or deferral must be in writing submitted as part of a development application and shall be subject to applicable fees established by the City Council. The application must specify which requirement(s) of this chapter and/or the design and construction standards are at issue and which of the condition(s) listed above are met. The application must contain a statement explaining why the deviation from the required standards is necessary and why the waiver or modification sought will not harm or will be beneficial to the general public.**

**(5) Conditions. The City may impose any condition of approval necessary to satisfy the purposes of this chapter, including, without limitation, requiring a signed agreement not to remonstrate against the formation of a local improvement district. [Ord. 933 § 4.13, 2019.]**

**SECTION [18.20.140](#) Improvement agreement.**

- (1) A developer may, in lieu of constructing required public improvements, request the City Administrator to approve an agreement between himself and the City specifying the schedule by which the required improvements and repairs must be completed; provided, however, any schedule of improvements agreed to must not exceed three years from the date the approval establishing the required improvements becomes final. The agreement must also provide the following information:**
  - (a) A list of all the contractors who will construct or complete the improvements and repairs required, and the cost of the project.**
  - (b) That developer must post a performance bond or other security acceptable to the City and that the City may call upon the security filed to construct or complete the improvements and repairs if the schedule of improvements is not adhered to.**

- (c) That the City shall recover the full cost and expense of any work performed by the City to complete construction of the improvements and repairs, including, but not limited to, attorneys' and engineering fees.
- (d) That a warranty bond for one year must be deposited with the City following acceptance of the improvements. Said bond must be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director.
- (e) A waiver of remonstrance against formation of a local improvement district if the required improvements are not timely completed.
- (f) Such other provisions as deemed appropriate by the City.

(2) The City Administrator may reject an agreement authorized by this section for any reason the Administrator deems sufficient. [Ord. 933 § 4.14, 2019.]

**SECTION [18.20.150](#) Bond, cash deposit or guarantee.**

(1) If the City Administrator allows a developer to enter into an improvement agreement in lieu of completing required improvements, the developer must file one of the following to assure full and faithful performance under the improvement agreement:

- (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney;
- (b) A cash deposit in a City account at an approved lending institution; or
- (c) Other security satisfactory to the City.

(2) The value of the security provided by the developer must be for one hundred twenty percent (120%) of the cost of the improvements and repairs as determined by the Public Works Director.

(3) If the developer fails to carry out the provisions of the agreement, the City may call upon the bond, cash deposit, or other security to finance any cost or expenses resulting from said failure. The City may also elect to form a local improvement district to lien the properties in accordance with the relevant provisions of Oregon State Law and Madras City Code. If the amount of the deposit or bond exceeds the cost and expense incurred by completing the improvements, the City shall release the remainder. If the amount of the deposit or bond is less than the cost and expense incurred by the City for the improvements and repairs, the developer is liable to the City for the difference. [Ord. 933 § 4.15, 2019.]

**FINDING:** The applicant has not requested a waiver or modification to the standards applicable to the required public improvements. Therefore, the above stated standards do not apply.

**SECTION [18.20.160](#) Street dedications.**

Any person desiring to create a street that is not part of a subdivision or partition must make written application to the City Public Works Department. Said application must be accompanied by the required information and appropriate filing fee. [Ord. 933 § 4.16, 2019.]

**SECTION [18.20.170](#) Minimum design standards.**

The minimum standards of design and improvements for the dedication of a street shall be the same as set forth in the design and construction standards and must be in compliance with other applicable street standard regulations. [Ord. 933 § 4.17, 2019.]

**SECTION [18.20.180](#) Procedure for street dedications.**

**(1) Upon receipt of written application and appropriate filing fee for a street dedication, the request shall be forwarded to the Public Works Director for review and recommendation.**

**(2) If access to a County road or state highway is planned, the necessary permits must be obtained prior to approval.**

**(3) The Public Works Director shall forward the proposal to the City Council for a public hearing.**

**(4) The only notice required for a hearing under this section shall be by publication.**

**(5) The City Council may accept, reject, or accept the proposal with conditions to the proposed dedication. [Ord. 933 § 4.18, 2019.]**

**Chapter [18.25](#): SUPPLEMENTARY PROVISIONS**

**SECTION [18.25.010](#) Maintenance of minimum requirements.**

No lot may be reduced below the minimum square footage required by this Development Code except that legal nonconforming lots may be increased in size even if below the minimum square footage required by this Development Code. [Ord. 933 § 5.1, 2019.]

**SECTION [18.25.020](#) Internal pedestrian circulation.**

**(1) Affected Developments.**

- (a) All nonresidential development.**
- (b) Institutional development and public buildings.**

**FINDING:** The proposed development is a residential development; therefore, this standard does not apply.

**(2) Walkway Locations.**

- (a) A walkway must be provided to each street abutting the property.**
- (b) A walkway must be provided for every 300 feet of street frontage, or for every eight rows of vehicle parking.**
- (c) A walkway must be provided to any site that is not bordered by a street.**

**FINDING:** Based on the submitted site plan by the applicant, walkways are proposed to connect the one side of the proposed private street and the site frontage on Oak Street to the adjacent parking area and existing public sidewalk system. Therefore, the above standards are satisfied.

**(3) Connections.**

- (a) Walkways must connect building entrances to one another, and to public streets which are existing or planned transit stops.
- (b) On-site walkways must connect with sidewalks, bike paths, alleyways, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use.
- (c) Walkways and driveways must provide a direct connection to walkways and driveways on adjacent developments.
- (d) Potential pedestrian connections between the proposed development and the existing or future development on adjacent properties, other than connections via the street system, must be identified. The development application must designate these connections on the proposed site plan, or findings must be submitted demonstrating that the connection is infeasible.

**FINDING:** Per the submitted preliminary site plan, walkways are proposed to provide connections to the buildings, common areas and streets. This standard is satisfied.

**(4) Dedications.** Rights-of-way or public easements must be provided for all required walkways that provide a direct connection to adjacent properties.

**(5) Exemptions.** A required walkway or walkway connection need not be provided where another required sidewalk or walkway route provides a reasonably direct route. An alternate route is reasonably direct if the walking distance increases by less than fifty percent (50%) but not more than 100 feet over the other required route.

Walkways are required between most parts of a site that people on the site normally would or could walk between. Walkways are not required between buildings or portions of a site which are not intended to be used by pedestrians. Such buildings and features include truck loading docks and warehouses; not including office/warehouse combinations, automobile sales lots, temporary uses, or outdoor storage areas.

**(6) Routing.**

- (a) Walkways must be as direct as possible and avoid unnecessary meandering. Pedestrian walkways must be directly linked to entrances and internal circulation of the building.
- (b) Driveway crossings must be minimized. Internal parking lot circulation and design must maintain ease of access for pedestrians from streets and transit stops.

**FINDING:** Per the narrative submitted by the applicant, the proposed sidewalks within the development will be privately owned and maintained.

**(7) Design.**

- (a) Walkways must be at least five feet in paved width. Walkways bordering parking spaces must be at least seven feet wide unless concrete bumpers, bollards, or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.
- (b) Pedestrian-scale lighting fixtures must be provided along all walkways. On-site pedestrian walkways must be lighted to a level where the system can be used at night by employees, residents, and customers.

**FINDING:** Applicant did not provide lighting plans as part of their application.

**CONDITION OF APPROVAL:** Prior to issuance of zoning review, Applicant shall provide plans demonstrating compliance with lighting of walkways that meet City standards.

(c) Stairs or ramps must be provided where necessary to provide a direct route. Walkways without stairs shall have a maximum slope of eight percent (8%) and a maximum cross slope of two percent (2%).

(d) Internal driveways crossing walkways must be a maximum of 14 feet wide for parking lots of less than 20 vehicles and a maximum of 18 feet wide for parking lots of more than 20 vehicles.

(e) Walkways on private property that provide direct links between publicly owned pedestrian routes must be placed in public easements. Where public access is to be provided on private land, easements must be provided.

(f) Walkways along nonresidential building frontages must be covered with awnings or building overhangs. The minimum vertical clearance is nine feet for awnings and 12 feet for building overhangs. Structural supports and facades for building overhangs must not obscure more than ten percent (10%) of the area between the building and the street.

(g) The on-site circulation system must incorporate a streetscape which includes curbs, sidewalks, pedestrian scale light standards, and street trees.

(h) Walkways must be constructed to sidewalk standards except for portions of walkways in driveways and other vehicle maneuvering areas which must be raised at least three inches and paved with a different material than the surrounding driveway.

**FINDING:** Per Exhibit A submitted by applicant does not provide information on the gradient of walkways.

**CONDITION OF APPROVAL:** Prior to issuance of zoning review, the applicant shall provide plans showing specifically the gradient of walkways that meet the above stated standards.

**(8) ADA Compliance.** The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. For example, the maximum slope for walkways subject to the ADA is five percent (5%). Walkways up to eight percent (8%) slope are treated as ramps with special standards for railings and landings. The ADA applies primarily to the walkway which is the principal building entrance and walkways that connect transit stops to building entrances. Where ADA applies to a walkway, the stricter standards of ADA should apply. [Ord. 933 § 5.2, 2019.]

**FINDING:** The applicant shall satisfy all applicable ADA requirements prior to the issuance of Certificate of Occupancy of the dwelling constructed on the subject property.

**CONDITION OF APPROVAL:** The applicant shall satisfy all applicable ADA requirements prior to the issuance of Certificate of Occupancy of the dwelling constructed on the subject property.

**SECTION [18.25.030](#) Fences.**

**Fences, hedges, and walls not more than eight feet in height are permitted on all front, rear, and side property lines of the parcel. However, the vision clearance areas must be maintained. [Ord. 933 § 5.3, 2019.]**



**FINDING:** Staff finds a six-foot privacy fence is proposed around the perimeter of the apartment development and a chain link fence is proposed around a portion of the dog park that do not abut the perimeter fencing; therefore, this standard does apply.

**SECTION [18.25.040](#) Off-street parking and loading.**

General provisions are as follows:

**(1) The provision and maintenance of off-street parking and loading spaces are a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, they must ensure these requirements are complied with.**

**FINDING:** The applicant has proposed that off-street parking will be owned and maintained by the property owner.

**2) Requirements for types of buildings and uses not specifically listed in this Development Code shall be determined by the decision maker based upon the requirements for comparable uses listed.**

**(3) Required parking spaces must be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.**

**(4) Loading. Buildings or structures to be built or substantially altered that receive and distribute materials and merchandise by trucks must provide and maintain off-street loading berths. Off-street parking areas used to fulfill requirements of this Development Code must not be used for loading and unloading operations except during periods of the day when not required to meet parking needs.**

**(a) In any zone in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales, a hotel, a hospital, a mortuary, a laundry, dry cleaning establishment, or other uses similarly requiring the receipt or distribution by vehicles or materials or merchandise, at least one off-street loading berth, plus one additional off-street loading berth for each 20,000 square feet there, must be provided and maintained. Said loading berth(s) must be provided with access, driveways, and surfacing in the same manner as for off-street parking, except that each space must be at least 10 feet wide and 22 feet long with a height clearance of at least 14 feet. A sight-obscuring screen, berm, or landscaping must conceal all loading areas from view from public streets or roads.**

**(b) Loading and unloading of merchandise, equipment, etc., is not permitted from public streets or roads. [Ord. 933 § 5.4, 2019.]**

**FINDING:** Required parking spaces will be subject to the foregoing requirement regarding availability for parking. No loading spaces are required for residential developments. The proposed structure is below the 10,000 square foot threshold. No loading or unloading zones are proposed. Therefore, this criterion does not apply.

**SECTION [18.25.050](#) Off-street parking.**

**All buildings and uses must comply with the parking requirements set forth in this section.**

Zone Change, Site Plan, and Subdivision: Stone Oak

Files No. ZC-23-1, SP-23-2, and SD-23-4

**(1) Amount Required.** The number of required off-street vehicle parking spaces shall be determined in accordance with MDC Table 18.25.050-1. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway, or landscape area.

(a) Where parking requirements are based on the square footage of a building, the applicable square footage shall be the gross floor area of the building excluding any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

(b) For uses not specified in MDC Table 18.25.050-1, the decision maker must determine the minimum number of required parking spaces as part of the development review process accompanying the proposed use, based upon similar uses listed in MDC Table 18.25.050-1 or other substantial evidence of expected parking demand.

(c) In the event that several uses occupy a single structure or parcel of land, the total requirements of off-street parking shall be the sum of the requirements of the several uses computed separately. Notwithstanding the foregoing, the total requirement may be reduced by an amount determined by the decision maker where the applicant sufficiently demonstrates that peak parking demands are less because of differing peak parking demand periods among the uses.

(d) Owners of two or more parcels of land may agree to share parking and loading spaces; provided, that the parking areas supporting a particular use are located within 500 feet of that use and satisfactory legal evidence is presented to the City in the form of deeds, leases, or contracts to establish shared use of parking facilities. Notwithstanding the foregoing, the total parking requirement on the parcels subject to the shared use arrangement may be reduced by an amount determined by the decision maker where the applicant sufficiently demonstrates that peak parking demands are less because of differing peak parking demand periods among the uses sharing the parking facilities.

(e) **Parking Within the C-2 and C-3 Zoning Districts.** No minimum off-street parking is required for buildings and uses within the C-2 and C-3 zoning districts. Whether or not off-street parking is constructed with the C-2 or C-3 zoning districts, no developer, property owner, tenant, or any other party holds any rights or entitlements to public on-street parking stalls (beyond their availability to the general public as regulated by City) or to any publicly owned off-street parking facilities (beyond that provided to the general public as regulated by City or as provided by a special agreement or program established by City) nor is City precluded from altering or removing such parking stalls or facilities. Any on-street parking stalls or off-street parking facilities constructed within the C-2 and C-3 zones must meet applicable dimensional requirements.

**FINDING:** Applicant has proposed development is not in the C-2 or C-3 zone. This standard does not apply. However, Single family dwellings and apartments require one parking space per unit. Applicant has proposed 63 parking spaces, which exceeds the minimum of 60 parking spaces. Parking spaces for single family dwelling will be reviewed as part of future Zoning Permits when constructions of such dwellings are proposed.

**(2) Location.**

(a) Except as allowed pursuant to MDC [18.40.040\(8\)](#), no automobile parking, with the exception of accessible parking, is permitted between the building and an arterial or collector street unless

the Community Development Director determines there is no feasible alternative to provide the required parking. If a building setback is provided, the setback area must be paved with a hard surface (concrete or unit pavers, not asphalt) and must incorporate seating and landscaping. A public entrance must be within 100 feet of the right-of-way of an arterial or collector street.

(b) Development on lots or sites with three frontages may have vehicle parking areas between the building and one of the streets. Development on full blocks may have vehicle parking areas between the building and two of the streets. However, the parking area must be between a local street and the building, not an arterial, other than a freeway or other fully controlled access highway.

(c) Parking lots with 50 spaces or more must be divided into separate areas and divided with landscaped areas or walkways at least 10 feet in width or by a building or group of buildings.

(d) Parking lots cannot occupy more than thirty-three percent (33%) of the subject property's street frontage. Parking areas should be located behind or to the side of a building. If a property has multiple street frontages, then this standard will apply to the frontage along the highest order street. If all street frontages have the same classification, then this standard will apply to the frontage to which the primary building entrance is located.

(e) Required off-street parking spaces for a dwelling must be located on the same lot or parcel as the dwelling. Notwithstanding the foregoing, the Community Development Director may approve off-street parking for a dwelling within the C-2 and C-3 zoning districts to be located off-site, provided the off-site parking area is located within the C-2 or C-3 zoning district. Other required parking spaces must be located not farther than 300 feet from the building or use they are required to serve, measured in a straight line from the building, unless otherwise approved by the Community Development Director.

**FINDING:** No parking is proposed between a building and a higher order street. The proposed parking is appropriate given the irregular configuration of the lot. The parking on lot 4 consists of more than 50 spaces, but is broken up onto various parking areas. Parking for the apartments is proposed on the same lot as the apartments and no shared parking is proposed. Staff find that the proposed parking for the apartment development is located on the same parcel as the apartment buildings. This standard is met.

**Table 18.25.050-1. Required Vehicle Parking**

BUILDING/USE TYPE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)	
	C-2 and C-3 Zones	All Other Zoning Districts
<b>COMMERCIAL AND INDUSTRIAL</b>		
Office Buildings, Banks	No minimum requirement	2.5 spaces
Business and Professional Services	No minimum requirement	2.86 spaces
Commercial Recreational/Entertainment Facilities	No minimum requirement	10.0 spaces
Shopping Goods (Retail)	No minimum requirement	2.86 spaces
Convenience Goods (Retail)	No minimum requirement	2.86 spaces

BUILDING/USE TYPE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)	
	LAND USE CATEGORY	C-2 and C-3 Zones
Restaurants and Bars	No minimum requirement	10.0 spaces
Personal Services and Repairs	No minimum requirement	2.86 spaces
Manufacturing	No minimum requirement	2.0 spaces
Warehouses	Not allowed	1.0 spaces
Wholesale	Not allowed	1.5 spaces
RV Park	Not allowed	See MDC <a href="#">18.30.040(2)(l)</a>
Hotels	No minimum requirement	1.0 space per room
Motels	No minimum requirement	1.0 space per room
<b>RESIDENTIAL</b>		
Single-Unit Dwelling	Not allowed as a standalone use; No minimum requirement for a single-unit dwelling in a residential mixed-use development	1.0 space per dwelling unit
Townhomes	See MDC <a href="#">18.30.191(4)(k)</a>	See MDC <a href="#">18.30.191(4)(k)</a>
Accessory Dwelling Units	No minimum requirement	1.0 space per ADU
Apartments	No minimum requirement	1.0 space per dwelling unit
<b>PUBLIC AND INSTITUTIONAL</b>		
Museums and Libraries	No minimum requirement	3.3 spaces
Government Facilities	No minimum requirement	3.3 spaces
Welfare Institutions	No minimum requirement	2.5 spaces
<b>MEDICAL</b>		
Medical and Dental Offices	No minimum requirement	2.86 spaces
Hospitals	No minimum requirement	2.86 spaces
Convalescent Homes or Assisted Living	No minimum requirement	1.0 space per 2 patient beds or 1.0 space per apartment unit
<b>AUDITORIUMS</b>		
General Auditoriums and Theaters	No minimum requirement	0.25 space per seat
Stadiums and Arenas	No minimum requirement	0.25 space per seat
School Auditoriums	No minimum requirement	0.10 space per seat
University Arenas	No minimum requirement	0.10 space per seat

[Ord. 968 §§ 2.2 (Exh. B), 2.5 (Exh. E), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 955 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. B), 2020; Ord. 933 § 5.5, 2019.]

**FINDING:** The applicant has proposed a single-family use and an apartment use with associated 63 parking spaces [1.0 space per dwelling unit = 63 parking spaces]. The proposed parking is located in two areas, separated by the proposed central building. Therefore, the above standards are satisfied.

**SECTION [18.25.060](#) Design and improvement standards for parking lots.**

The design and improvement standards for parking lots are:

- (1) **Parking Table and Diagram.** MDC Table 18.25.060-1 provides the minimum dimensions of public or private parking areas based on the diagram on the same page where “A” equals the parking angle, “B” equals the stall width, “C” equals the minimum stall depth, “D” equals the minimum clear aisle width, “E” equals the stall distance at bay side, “F” equals the minimum clear bay width, and “G” is the maximum permitted decrease in clear aisle width for private parking areas.
- (2) Each parking space or stall shall be governed by the requirements of MDC Table 18.25.060-1, and in no case have less than a minimum width of eight feet and a minimum length of 18 feet, but in any case must have at least a total area of 144 square feet and must be individually accessible, be paved, and be adequately maintained.
- (3) Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling must be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than five feet in height except where vision clearance is required.
- (4) Parking spaces along the outer boundaries of a parking lot must be contained by a bumper rail or by a curb which is at least four inches high and which is set back a minimum of one and one-half feet from the property line.
- (5) Artificial lighting shall not shine or create glare in any residential zone or on any adjacent dwelling.
- (6) Access aisles must be of sufficient width to permit easy turning and maneuvering.
- (7) Except for single-family and duplex dwellings, groups of more than two parking spaces must be located and served by a driveway such that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- (8) Service drives to off-street parking areas must be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.

**FINDING:** Applicant is proposing 90 degree parking stalls measuring 9’ by 20’, which meets or exceeds the applicable dimensional standards. The proposed parking is interior to the site and will be screened by the proposed buildings and other improvements. The 26 foot drive aisles provide ample room for maneuvering. No backing into a street right-of-way is required. Only a single service drive is proposed.

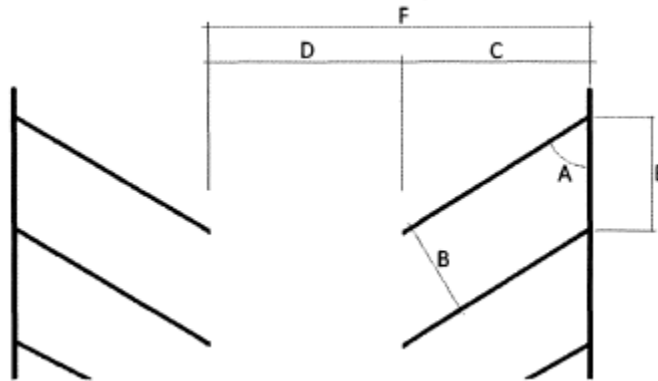
- (9) The following standards apply to parking within the Industrial Zone:
- (a) Parking must be located at the rear and sides of a new building; parking can only be allowed in front of the building (between the landscaping and street) upon approval by the Site Plan Committee.
  - (b) Parking is not allowed on collectors or arterials when industrial zoning is contiguous to said street.
  - (c) All parking areas shall be limited to 60 spaces plus access. Additional required parking must be separated by a minimum of five-foot landscaped strips except for access. The 60 parking spaces shall be referred to as a cluster of parking.

Table 18.25.060-1. Parking Area Dimensions

Angle	Stall Width (ft.)	90° Depth (ft.)	Aisle Width (ft.)	Parallel Length (ft.)	Aisle and Bay (ft.)	Private Aisle Max. Reduction (ft.)
A	B	C	D	E	F	G
Parallel	8.0	8.0	12.0	22.0	20.0	2.0
20°	8.0	13.6	11.0	23.4	24.6	1.0
	8.5	14.1	11.0	24.9	25.1	
	9.0	14.6	11.0	26.3	25.6	
	10.0	15.5	11.0	29.2	25.5	
30°	8.0	16.0	11.0	16.0	27.0	1.0
	8.5	16.4	11.0	17.0	27.4	
	9.0	16.8	11.0	18.0	27.8	
	9.5	17.3	11.0	19.0	28.3	
	10.0	17.7	11.0	20.0	28.7	
45°	8.0	18.4	14.0	11.3	32.4	3.0
	8.5	18.7	13.5	12.0	32.2	
	9.0	19.1	13.0	12.7	32.1	
	9.5	19.4	13.0	13.4	32.4	
	10.0	19.8	13.0	14.1	32.8	
60°	8.0	19.7	19.0	9.2	38.7	3.0
	8.5	20.0	18.5	9.8	38.5	
	9.0	20.3	18.0	10.4	38.3	
	9.5	20.5	18.0	11.0	38.5	
	10.0	20.8	18.0	11.5	38.8	
70°	8.0	19.8	20.0	8.5	39.8	3.0

Angle	Stall Width (ft.)	90° Depth (ft.)	Aisle Width (ft.)	Parallel Length (ft.)	Aisle and Bay (ft.)	Private Aisle Max. Reduction (ft.)
A	B	C	D	E	F	G
	8.5	20.1	19.5	9.0	39.6	
	9.0	20.4	19.0	9.6	39.4	
	9.5	20.6	18.5	10.1	39.1	
	10.0	20.9	18.0	10.6	38.9	
80°	8.0	19.2	25.0	8.1	44.2	3.0
	8.5	19.3	24.0	8.6	43.3	
	9.0	19.4	24.0	9.1	43.4	
	9.5	19.5	24.0	9.6	43.5	
	10.0	19.6	24.0	10.2	43.6	
90°	8.0	18.0	29.0	8.0	44.0	3.0
	8.5	18.0	25.0	8.5	43.0	
	9.0	18.0	24.0	9.0	42.0	
	9.5	18.0	24.0	9.5	42.0	
	10.0	18.0	24.0	10.0	42.0	

Figure 18.25.060-1. Parking Diagram



[Ord. 933 § 5.6, 2019.]

**SECTION 18.25.070** Bicycle parking.

(1) **Applicability.** Apartments, commercial, institutional development, transit transfer stations, and park-and-ride lots must provide bicycle parking facilities.

(2) **Exemptions.** The Community Development Director may allow exemptions to required bicycle parking in connection with temporary uses that are not likely to generate the need for bicycle parking.

**(3) Number of Spaces.** The minimum number of bicycle parking spaces is set forth in MDC Table 18.25.070. For uses not listed, the Community Development Director may determine the number of spaces based on the most similar listed use.

**Table 18.25.070.**

Use	Amount of Bicycle Parking
Apartments	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
Retirement home or assisted living complex	2 covered spaces or 1 covered space for every 10 employees, whichever is greater
Retail sales and service	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Multiple uses	For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
Restaurants, cafes, and bars	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Professional office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Medical or dental office or clinic or hospital	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Stadium, arena, theater or similar use	1 covered space for every 20 seats
Public or private recreational facility	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Parking lots	All public and commercial parking lots and parking structures shall provide a minimum of



Use	Amount of Bicycle Parking
	one bicycle parking space for every 10 motor vehicle parking spaces.
Industrial uses without retail trade or service	1 covered space for every 20 employees
Industrial uses with retail	1 covered space for every 20 employees
Elementary school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
Junior high school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
High school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.

**FINDING:** Applicant is proposing to satisfy this standard with by covered patios/decks attached to each unit. The applicant has proposed covered patio or deck for bike storage of 1 space per apartment unit. Additionally, the applicant has proposed two uncovered bike parking areas. Staff finds covered patios and decks to constitute “similar areas” for purposes of this requirement. Therefore, this standard is satisfied.

**(4) Location.** All required bicycle parking must be located on site within 50 feet of the primary entrance to the building but in no event further from such entrance than the closest off-street parking space.

- (a) For buildings with multiple entrances, required short-term bicycle parking must be distributed proportionally at the various entrances. Required long-term public parking must also be distributed at the various public entrances, while employee parking must be located at the employee entrance, if applicable.
- (b) Bicycle parking may be provided within a building, but the location must be easily accessible for bicycles.
- (c) Employee and residential bicycle parking must offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside to provide safe, long-term parking.
- (d) Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to approval of the Public Works Director and provided it meets the other bicycle parking requirements.
- (e) Bicycle parking facilities must be separated from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to the parked bicycles.
- (f) Cover for bicycle parking must be provided by a bicycle storage room, bicycle locker, or racks inside a building; bicycle lockers or racks in an accessory parking structure; underneath an awning, eaves, or other overhang; or other facility as determined by the decision maker that protects the bicycles from direct exposure to the elements.

**(g) All required long-term bicycle parking and all bicycle parking for residential, school, and industrial uses must be covered.**

**FINDING:** All of the proposed bicycle parking is covered and within 50 feet of building entrances. The proposed decks and patios for bike parking are distributed through the site, are covered, and provide separation from vehicles.

**CONDITION OF APPROVAL:** The third story decks are only partially covered and questionable whether taking bike upstairs is easily accessible. Therefore, it is a condition of approval to have at least some additional covered bike parking.

**(5) Parking Space Dimensions.** Each required bicycle parking space must be at least two and one-half feet by six feet and when covered, provide a vertical clearance of at least seven feet. An access aisle at least five feet wide must be provided and maintained beside or between each row of bicycle parking (vertical clearance may be four feet in an enclosed bicycle locker). Each required bicycle parking space must be accessible without moving another bicycle.

**FINDING:** Staff could not determine if the proposed decks and patios for bicycle parking meet the dimensional standards. This standard will be reviewed for consistency with MMC 18.25.070(5) prior to the issuance of Zoning Review by the City of Madras.

**CONDITION OF APPROVAL:** Applicant to provide plan showing compliance with MMC 18.25.070(5) prior to the issuance of Zoning Review by the City of Madras.

**(6) Parking Facilities.** The intent of this subsection is to ensure that required bicycle parking facilities are designed so that bicycles may be securely locked to them without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

**(a) Bicycle parking facilities must offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a rack) upon which the bicycle can be locked.**

**(b) Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.**

**(7) Lighting.** Lighting must be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. Bicycle parking must be at least as well lit as motor vehicle parking.

**(8) Signing.** Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only. Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, entry and directional signs must be provided to direct bicyclists from the public right-of-way to the bicycle parking facility. Directions to employee bicycle parking facilities may be signed or supplied as appropriate.

**(9) Paving/Surfacing.** Outdoor bicycle parking facilities must be surfaced in the same manner as the motor vehicle parking or with a minimum of one-inch thickness of hard surfacing (i.e., asphalt, concrete, pavers, or similar material). This surface will be maintained in a smooth, durable, and well drained condition.

**(10) Rental. Bicycle parking spaces required by this Development Code may not be rented or leased except where required motor vehicle parking is rented or leased. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 5.7, 2019.]**

**FINDING:** The proposed bicycle parking allows for secure storage of bicycles with adequate lighting. Standalone bicycle parking areas will have appropriate signage and appropriate surfaces.

**SECTION [18.25.080](#) Moving structures.**

**No structure may be moved within or into the City without conforming to this Development Code, building codes, and other applicable ordinances of the City. A moving permit must be obtained from the City in advance of the move.**

**(1) Requirements. Prior to issuing a moving permit, the applicant must obtain all required permits and approvals to connect the structure to necessary utilities, including, but not limited to, water, sewer, and power.**

**While moving is in progress, the owner of said structure must protect passersby and citizens of the City from injury due to conditions of the structure or the property from which the structure was moved. Structures cannot be left on public streets after sunset, unless the owner has obtained permission of the City Council. The owner of the structure or the mover shall provide flares and a night watchman for protection of the citizens using said streets.**

**Within ninety (90) days after a structure has been moved onto a lot within the City, the structure shall have been placed upon its foundation in accordance with the building code and shall connect to necessary utilities. The Community Development Director may grant an extension of up to thirty (30) days upon a showing of good cause and reasonable progress. The structure must have been so remodeled and redesigned as to meet requirements of state building codes. All scrap lumber, trash, debris, and other materials including timbers and equipment for the moving of the structure must be removed from the premises; and all holes, underground structures, and excavations shall be filled to the rough grade level as indicated in the building permit. No such structure may be occupied until all the above requirements are met.**

**(2) Cleanup Required. Within ten (10) days after a structure is moved, the lot from which the structure was moved must be cleared of all debris, including pipe, concrete, scrap lumber, and other materials which will cause a health hazard, nuisance, or constitute a danger; all basements, abandoned septic tanks and wells must be filled with earth, except that upon written application, the City Council may give permission for useful basements or other structures to remain; provided the same are fenced or left open only for such period of time as the City Council may allow. [Ord. 933 § 5.8, 2019.]**

**SECTION [18.25.090](#) Vision clearance.**

**Vision clearance must be maintained in all zoning districts. The size of the vision clearance area is described below and shown in MDC Figure 18.25.090-1:**

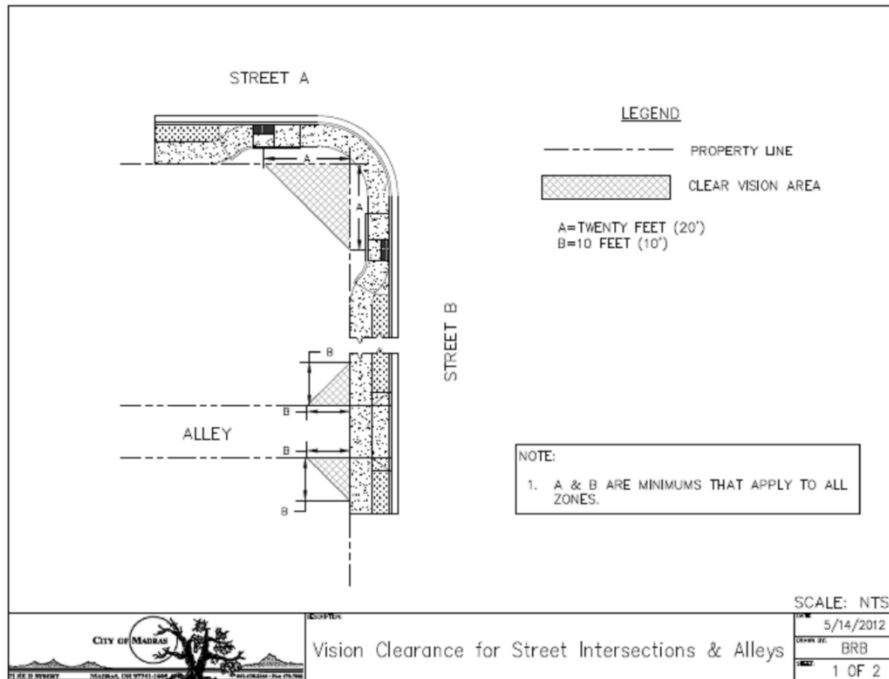
**(1) The minimum distance is 20 feet at intersections comprised of two streets or one street and a railroad right-of-way.**

**(a) Exception. This standard does not apply to the Downtown Commercial Zone (C2).**

(2) At intersections of commercial/industrial access, the minimum distance is 15 feet.

(3) At intersections including an alley, the minimum distance is 10 feet.

Figure 18.25.090-1. Vision Clearance Diagram



**FINDING:** The materials submitted by the applicant do address the above stated standards. Therefore, this standard is satisfied.

**SECTION 18.25.100 Signs.**

Sign placement and size is regulated according to Chapter 18.35 MDC. [Ord. 933 § 5.10, 2019.]

**FINDING:** The findings of compliance with MMC 18.35 are herein by reference incorporated to demonstrate compliance with this standard.

**SECTION 18.25.110 Outdoor storage, trash collection, and loading spaces.**

The following standards are intended to reduce the impacts of outdoor storage, loading, and operations areas on adjacent land uses.

(1) Areas for truck parking and loading must be screened by a combination of attractive structures and evergreen landscaping to minimize visibility from adjacent streets.

(2) Outdoor storage, loading, and operations areas must be attractively screened from adjacent parcels and streets.

**(3) Outdoor storage, trash collection and/or compaction, loading, or other such uses must be located in the rear of the lot where feasible.**

**(4) Outdoor storage, HVAC equipment, trash collection or trash compaction, and other service functions must be incorporated into the overall site design. Views of these areas must be screened from visibility from all property lines and separated from sidewalks and on-site pedestrian walkways. Screening structures must be made of the same materials as the principal structure.**

**(5) Areas for the storage and sale of seasonal merchandise must be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences must conform to those used in the principal structure. If such areas are to be covered, then the covering must conform to the colors on the building.**

**(6) Outdoor display and storage must not encroach on any portion of a walkway, drive aisles, or required parking spaces. No areas for outdoor storage, trash collection or trash compaction, loading, or other such uses may be located within 30 feet of any internal pedestrian walkway. [Ord. 933 § 5.11, 2019.]**

**FINDING:** Based on the site plan submitted by the applicant, a trash collection area will be associated with the use. No truck parking or loading is proposed or required. No outdoor storage areas are proposed. The trash enclosure is in the rear of the lot with a sight obscuring screening and will not impede pedestrian or vehicular movements. Therefore, this standard is met.

**SECTION [18.25.120](#) Historic structure preservation.**

**Upon receiving an application for demolition or major exterior alteration involving a historic area, site, structure, or object, as designated by the Comprehensive Plan, the Planning Commission in a public meeting shall review the application to determine its conformance with the historic preservation factors of this Development Code.**

**The City shall allow owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the designation and must not include a site on a list of significant historic resources if the owner of the property objects to its designation.**

**The City must allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.**

**The City shall not issue a permit for demolition or modification of a historic structure within one hundred twenty (120) days from the date the property owner requested the removal of a historic structure designation from the property.**

**(1) Demolition Procedure. If it is determined the land use action will result in the demolition or extensive exterior modification of any historical building, the Planning Commission shall review the application taking into account the following:**

- (a) State of repair of the building.**
- (b) The reasonableness of the cost of restoration or repair.**
- (c) The purpose of preserving such designated historical building and site(s).**
- (d) The character of the neighborhood.**
- (e) All other factors the Planning Commission feels are appropriate.**

Following Planning Commission review, the Planning Commission may approve or deny the permit for land use action or delay action for sixty (60) days to allow cognizant agencies to explore alternatives. If no suitable alternatives are available, the permit may be issued. The Planning Commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) days.

**(2) Major Exterior Alteration Procedure.** Exterior alterations must be in accordance with the following:

(a) Upon receipt of an application for a major exterior alteration of a historic structure listed in the Comprehensive Plan, the Planning Commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review is based on the criteria for determining historic significance contained in the Comprehensive Plan.

(b) Major exterior alterations as defined by this action include any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.

(c) All applications for major exterior alterations must be accompanied by plans and specifications of the proposed alteration. The Planning Commission may request additional sketches and other information deemed necessary to make an informed decision.

(d) In order to approve the application, the Planning Commission must find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or find the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the Planning Commission deems it necessary to achieve the above objectives. The Planning Commission must deny the request if the proposal would reduce the resource's value or historic significance.

Conditions attached to a permit for a major exterior alteration of a historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures, or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.

The Planning Commission shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

(e) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by public safety because of an unsafe condition. [Ord. 933 § 5.12, 2019.]

**SECTION [18.25.130](#) Riparian habitat protection.**

**(1) Riparian Corridor.** A riparian corridor boundary (along Willow Creek within the City limits and urban growth boundary) is hereby established at 50 feet from the top of each bank.

**(2) Activities Within the Riparian Area.**

(a) The permanent alteration of the riparian area by grading or by the placement of structures of impervious surfaces is prohibited, except for the following uses, provided they are designated to minimize intrusion into the riparian area, and no other options or locations are feasible:

(i) Streets, roads, and paths.

(ii) Drainage facilities, utilities, and irrigation pumps.

(iii) Water-related and water-dependent uses.

- (iv) Replacement of existing structures in the same location that does not disturb additional riparian surface area.
  - (v) Structures or other nonconforming alterations existing fully or partially within the riparian area may be expanded, provided the expansion does not occur within the riparian area. Substantial improvement of a nonconforming structure in the riparian area shall require compliance with the standards of this Development Code.
  - (vi) Existing lawn within the riparian area may be maintained, but not expanded within the riparian area. Development activities on the property shall not justify replacement of riparian area with lawn.
  - (vii) Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Community Development Director and appropriate natural resources agency staff. Such alteration of the riparian area shall be approved only if less invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.
- (b) Removal of riparian vegetation is prohibited, except for:
- (i) Removal of nonnative vegetation and replacement with native plant species. The replacement vegetation must cover, at a minimum, the area from which vegetation was removed, and must meet or exceed the density of the removed vegetation.
  - (ii) Removal of vegetation for the development of approved water-related or water-dependent uses. Vegetation removal must be kept to the minimum necessary to allow the water-dependent or water-related use.
  - (iii) Trees in danger of falling and thereby posing a hazard to life or property may be removed following consultation and approval from the Community Development Department. If no hazard will be created, the Department may require these trees, once felled, to be left in place in the riparian area.
- (c) Exceptions. The following activities are not required to meet the standards of this section:
- (i) Commercial forest practices regulated by the Oregon Forest Practices Act.
  - (ii) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use and existing in the riparian area prior to the date of adoption of this Development Code.
- (3) Alteration Requiring Mitigation.
- (a) Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of subsection [\(2\)](#) of this section:
    - (i) A setback adjustment as allowed under subsection [\(3\)\(c\)\(ii\)](#) of this section.
    - (ii) A variance to the riparian setback approved through the procedures of subsection [\(3\)\(c\)\(ii\)](#) of this section.
  - (b) Proposals for development activities within the riparian area allowed in subsection [\(2\)](#) of this section must be reviewed by the Oregon Department of Fish and Wildlife (ODFW), as per OAR [635-415](#) Fish and Wildlife Habitat Mitigation Policy. A mitigation recommendation must be obtained from ODFW. For purposes of implementing Goal 5, the goal is no net loss of protected resources; correspondingly, the purpose of designing appropriate mitigation sites should be considered at least in Habitat Category 2 (OAR [635-415-030](#)), which strives for no net loss of habitat values. Approval of the development proposal shall be conditional, requiring compliance with the mitigation recommendations of ODFW.
  - (c) Setback Adjustment.

(i) **Qualifying Lots.** Lots on which the riparian setback required by this Development Code exceeds any other setbacks in a particular yard, and which, when combined with other required setbacks, results in a building area depth of 25 feet or less, or a building envelope of 800 square feet or less.

(ii) **Setback Reduction Procedure.** Setback reduction shall be the minimum necessary to create either a building envelope 25 feet deep, or a building envelope of 800 square feet (whichever requires a lesser reduction of the setback). The setback opposite the riparian area may be reduced up to one-half (1/2) of the standard setback. If this does not create a sufficient building envelope, the riparian setback may be reduced up to one-half (1/2) the required setback. Additional reductions of setbacks require a variance pursuant to MDC [18.50.040](#). Removal of vegetation within the original riparian setback shall be the minimum necessary to allow development of the use and must otherwise conform with the standards of subsection [\(2\)\(b\)](#) of this section. [Ord. 933 § 5.13, 2019.]

**SECTION [18.25.140](#) Wetland notification.**

Written notice must be provided to the Oregon Division of State Lands (DSL) of applications involving lands that are wholly or partially within areas that are identified as wetlands on the Statewide Wetlands Inventory. Wetland boundaries must be verified in the field by a qualified professional before any application for development in or adjacent to a wetland is accepted as complete.

(1) Notice must be sent within five working days of the acceptance of a complete application for a subdivision, building permit for new structure, planned development, or any other development permit or approval that allows physical alteration of the land involving excavation, grading, fill, or construction on the land, and any development in a flood hazard area.

(2) Notice must be sent if the City receives information that there is a possible wetland on the subject property following acceptance of the application.

(3) Notice is not required for any application listed in MDC [18.25.130](#) if a permit has been issued by the Division of State Lands for that activity.

(4) If the Division of State Lands fails to respond to the notice from the City within thirty (30) days of the postmark date of the notice, the City may issue an approval for the proposed activity with written notice to the applicant and owner of record that the proposed activity may require state or federal permits.

(5) The City may issue an approval for a Comprehensive Plan Map or Zoning Map amendment for parcels identified as or including wetlands on the Statewide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits, and providing the Division of State Lands with a copy of the notification of Comprehensive Plan Map or Zoning Map amendment for specific properties.

(6) The City may issue approval for any activity listed in MDC [18.25.130](#); provided, that the approval includes one of the following statements:

(a) Issuance of a permit under ORS [196.665](#) and [196.800](#) by the Division of State Lands is required for the proposed project before any physical alteration takes place within the wetlands;



- (b) Notice from the Division of State Lands that no permit is required; or
- (c) Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill, or alter the wetlands are submitted to DSL.

(7) Notice of activities authorized within an approved wetland conservation plan must be provided to the Division of State Lands within five days following approval by the City.

(8) Failure of the City to provide notice to the Division of State Lands as required in this section will not invalidate City approval of the proposed activity. [Ord. 933 § 5.14, 2019.]

**SECTION 18.25.150** Flag pole standards.

The height and illumination of flag poles must comply with the provisions of MDC Table 18.25.150-1, Flag Pole Regulations, below.

Table 18.25.150-1. Flag Pole Regulations

Zoning District	Maximum Flag Pole Height	Illumination Permitted	Illumination Requirements
R-1, R-2, R-3	No greater than 5 feet above dwelling height	Yes	Full cut-off fixtures, up lighting
C-1, C-2, C-3	35 feet	Yes	Full cut-off fixtures, up lighting
NC	20 feet	Yes	Full cut-off fixtures, up lighting
I	35 feet	Yes	Full cut-off fixtures, up lighting
OS/PF	35 feet	Yes	Full cut-off fixtures, up lighting
AD	35 feet	Yes, subject to FAA approval	Full cut-off fixtures, up lighting, and subject to compliance with the applicable FAA regulations

[Ord. 933 § 5.15, 2019.]

**SECTION 18.25.160** Outdoor lighting standards.

(1) Purpose. The purpose of the outdoor lighting standards is to allow reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; and help protect the natural environment from the damaging effects of night lighting.

(2) Outdoor Lighting Standards.

- (a) Outdoor lighting, including that for signage, must not project directly into an abutting lot.
- (b) Unless necessary for safe and convenient air travel, outdoor lighting must not project directly into the airport runway, taxiway, or approach safety zone.
- (c) All outdoor lighting must be shielded such that the source of light, or light reflective or amplifying device, is not visible from adjacent properties or right-of-way.

- (d) Outdoor lighting shall not blink, strobe, move, or rotate unless required by the FAA.
- (e) Unless otherwise provided in the Development Code, lighted poles must not exceed 20 feet in height.
- (f) Wiring for monument signs and similar permanent lighting installations must be underground or otherwise not visible.
- (g) All street lighting must comply with the design and construction standards. [Ord. 933 § 5.16, 2019.]

**FINDING:** The applicable standards in MMC 18.25.160 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**CONDITION OF APPROVAL:** The applicant shall submit materials demonstrating compliance with outdoor lighting standards MDC 18.25.160 with each Zoning Review for the development of each lot.

**SECTION [18.25.170](#) Landscaping standards.**

**(1) General Standards.** Unless otherwise specified for a specific use or zone in this Development Code, the minimum amount of landscaping is established by zone as follows:

R-1:	15%
R-2:	15%
R-3:	15%
C-1:	15%
C-2:	10% of off-street parking area
C-3:	15% of off-street parking area
NC:	15%
I:	10%
MUE:	15%
OS/PF:	25%
AD:	10%
MO:	15%
CPUD:	15%

**(2) Specific Standards.** Landscaping shall comply with the following standards:

- (a) **Plant Selection.** Native vegetation shall be preserved or planted where practical. A combination of live nonnative deciduous and evergreen trees, shrubs and ground covers, including lawn, shall be used for all planted areas. Drought-tolerant plantings are encouraged. Fire-resistive plants should be planted in areas or on slopes where necessary to reduce the risk of fire spreading to structures. As necessary, soils shall be amended to allow for healthy plant growth.

- (b) Hardscape Features.** Ground-level areas for passive use, such as patios, decks, plazas, paved dining areas, etc., may cover up to fifteen percent (15%) of required landscaping area; swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscaping requirement.
- (c) Stormwater Facilities.** Stormwater facilities (e.g., detention/retention ponds and swales) that are landscaped can be counted in the required amount of landscaped area on the site. Planting of broadleaf canopy trees is encouraged as effective surface water interceptors.
- (d)** In the R-1, R-2, and R-3 zones, at least fifty percent (50%) of the required landscaping must be located in the front yard setback or otherwise between the structure and the front property line.
- (e)** Landscaped areas must be appropriately irrigated. Xeriscaping may be unirrigated at the discretion of the Community Development Director.
- (f)** Required landscaping must be continuously maintained. Plants or trees that die or are damaged must be replaced and maintained similar to initially installed landscaping.
- (g)** Surface drainage must be managed in accordance with the Public Improvement Standards.
- (h)** Ground-level areas for passive use, such as patios, decks, etc., may cover up to fifteen percent (15%) of the required landscaping area; swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

**FINDING:** 18,072 square feet of landscaping is required on Lot 4. The proposed landscaped area (including the open space/common areas) is 21,865 sf which is equal to 18.1%. The applicant identifies that additional native landscaping is not included in this calculation. Hardscape features make up less than 15% of required landscaping and applicant is not relying upon drainage facilities for required landscaping.

The applicant is proposing a mix of native and planted species that will be irrigated as necessary. Applicant will be required to continuously maintain and replace required landscaping. Surface drainage was addressed above.

Landscaping for single family dwellings will be evaluated as part of the Zoning Permit process.

### **(3) Dwellings.**

- (a) New Construction.** Landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up security in an amount established by the City's fee schedule to the Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the Finance Department shall release the bond back to the developer. The developer has one year from the date of final inspection to complete landscaping the lot.

**FINDING:** Applicant is proposing to landscape the perimeter of the apartment buildings. The applicant be required to post a landscaping deposit.

- (b) Existing Dwelling.** The existing landscaping (lawn, flowers, trees, shrubs, etc.) must be maintained and kept in healthy condition. If the yard(s) are left to weeds and noxious vegetation, the City may prosecute the violation under the City's nuisance ordinance, Chapter 8.15 MMC.
- (c) Manufactured Dwelling Parks.** Landscaping within manufactured dwelling parks shall comply with the applicable provisions of MDC 18.30.030.

(d) Townhomes. Landscaping for townhome developments shall comply with the applicable provisions of MDC 18.30.191.

(e) Cottage Cluster. Landscaping for cottage cluster developments shall comply with the applicable provisions of MDC 18.30.192.

**(4) Commercial/Industrial/Institutional/Other Nonresidential (Including Nonresidential in Residential Zone).**

(a) Landscape plans must be submitted with the site plan application and must receive approval.

(b) All unused portions of the property must be maintained with landscaping consisting of ground cover or planted grass, shrubs, trees, flower beds, bark dust, or other suitable landscaping.

(c) The property owner is responsible for establishing and maintaining the landscaping on the lot.

(d) Unenclosed parking areas/storage areas for five or more vehicles, and all associated maneuvering areas, must be landscaped and screened as follows:

(i) At least seven percent (7%) of the parking lot area must be landscaped. Trees must be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.

(ii) Landscape buffers are required between parking areas and streets and must have a minimum width of three feet.

(iii) Landscape buffers between parking areas abutting a property line must have a minimum width of three feet.

(iv) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.

(v) There must be a minimum distance of five feet between parking areas and adjacent residential lots.

(vi) Landscape buffers must consist of evergreens, ground cover, and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.

(vii) Landscaping in a parking or loading area shall have a width of not less than five feet. Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(e) Required landscaping shall be continuously maintained. Landscaped areas shall be irrigated, except for xerophytic plantings (e.g., plants in drainage infiltration swales).

(f) Public gathering areas, such as plazas, atriums, and courtyards, shall have at least fifteen percent (15%) of the design devoted to planted beds or containers, water features, public art, and other amenities.

(g) The required square footage of landscaping may be reduced by ten percent (10%) if any of the following are incorporated into the development plan:

(i) Use of drought-tolerant plants throughout the plan per Xeriscaping in the High Desert: Guide for Central Oregon, 2005, or an alternative planting list approved by the City;

(ii) Preservation of rock outcroppings and native habitat areas greater than 500 square feet in area;

(iii) Provision of cross-access easements connecting primary drive aisles between adjacent properties;

**(iv) Connection to a City Engineer-approved off-site stormwater management facility. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 933 § 5.17, 2019.]**

**FINDING:** The applicant has proposed development on the lots within the proposed subdivision. Per plans submitted by the applicant, lot 4 is 2.77 acres (120,661.2 sq. ft.) and 21,865 sq. ft. is proposed to be open space/common areas/dog park/ path/paver patio located in the front yard setback or between the proposed structures and front property line, thus exceeding the 15% minimum landscaping requirement in the R-3 zone. Landscaping is proposed to be irrigated with a drip system. Lawn will be irrigated with spray irrigation. The landscaping requirements for lots 1-3 and the applicable standards in MMC 18.30.170 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**SECTION [18.25.180](#) Transportation impact studies.**

**(1) Applicability.**

- (a) A transportation impact analysis shall be required under the following circumstances:**
  - (i) The development generates fifty (50) or more peak hour trips or five hundred (500) or more daily trips.**
  - (ii) An access spacing exception is required for the site access driveway(s) or access is proposed from an arterial or collector street.**
  - (iii) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.**
  - (iv) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high accident locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.**
  - (v) Otherwise as determined by the Public Works Director.**

**FINDING:** The proposal exceeds the thresholds set forth above. Applicant has submitted a transportation analysis in accordance with this provision.

**(b) All development subject to site plan review, but not meeting the thresholds for a transportation impact analysis, will be required to submit a transportation assessment letter to the reviewing agencies prepared by an Oregon licensed transportation engineer indicating why the proposed land use action is exempt. This letter should outline the potential trip-generating characteristics of the proposed land use action and verify that the site-access driveways or roadways meet sight-distance requirements and City of Madras roadway design standards.**

**(2) Requirements of a Transportation Impact Analysis. Transportation impact analyses shall meet the following standards:**

- (a) Licensed Professional. Transportation impact analyses shall be prepared by a licensed professional engineer registered in the State of Oregon.**
- (b) Study Area. The transportation impact analysis area should include, at a minimum, all site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. In particular, if the proposed site fronts an arterial or collector street, the transportation impact analysis should include all intersections along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.**

Beyond the minimum study area, the transportation impact analysis should evaluate all intersections that receive site-generated trips that make up at least ten percent (10%) or more of the total intersection volume. In addition to these requirements, the Public Works Director (or his/her designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development. If the study area includes any state and/or County facilities, then the state and/or County shall be notified and provided an opportunity to comment on the transportation impact analysis.

(c) **Study Period.** The following study periods or horizon years shall be analyzed:

(i) **Existing Year Analysis.** Assesses all existing roadways, intersections, and land uses within the study area.

(ii) **Background Analysis.** Assesses the expected roadway, intersection, and land use conditions in the year the proposed land use action is expected to be fully built out, without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or those City-approved developments that are expected to be fully built out in the proposed land use action horizon year.

(iii) **Full Build-Out Traffic Analysis.** Assesses the expected roadway, intersection, and land use conditions resulting from the background growth and the proposed land use action assuming full build-out and occupancy.

(d) **Peak Hour Analysis.** Within each horizon year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during weekday mornings (7:00 a.m. to 9:00 a.m.) and weekday evenings (4:00 p.m. to 6:00 p.m.) and are known as peak commuting hours. The transportation impact analysis should always address the weekday a.m. and p.m. peak hours when the proposed land use action is expected to generate twenty-five (25) trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is negligible during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worst-case study period need be analyzed. Depending on the proposed land use action and the expected trip-generating characteristics of that development, consideration of nonpeak hour travel periods may be appropriate. Examples of land uses that have nontypical trip-generating characteristics include schools, restaurants, nightclubs, and churches. The Public Works Director (or his/her designee) and applicant should discuss the potential for additional study periods prior to the commencement of the transportation impact analysis.

(e) **Traffic Count Requirements.** Turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts shall be conducted Tuesday through Thursday between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., depending on the proposed land use. Notwithstanding the foregoing, historical turning movement counts may be used if the data are less than twelve (12) months old, but must be factored to meet the existing traffic conditions.

(f) **Trip Generation for the Proposed Development.** To determine the impacts of a proposed development on the surrounding transportation network, the trip-generating characteristics of that development must be estimated. Trip-generating characteristics should be obtained from one of the following acceptable sources:

(i) Institute of Transportation Engineers (ITE) Trip Generation Manual (latest edition).

(ii) Specific trip generation studies that have been conducted for the particular land use action for the purposes of estimating peak hour trip-generating characteristics. The Public Works Director (or his/her designee) should approve the use of these studies prior to their inclusion in the transportation impact analysis.

In addition to new site-generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the Trip Generation Manual (ITE) should be used to account for pass-by and internal trips.

(g) Trip Distribution. Estimated site-generated traffic from the proposed development shall be distributed and assigned on the existing or proposed arterial/collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site original/destination points within the site vicinity. Acceptable trip distribution methods should be based on one of the following procedures:

(i) An analysis of local traffic patterns and intersection turning movement counts can be used, as long as the data have been gathered within the previous 12 months.

(ii) A detailed market study specific to the proposed development and surrounding land uses can be used to determine the specific influence area. Site-generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory.

(h) Intersection Operation Standards. To identify impacts of the proposed land use action on the transportation system, the transportation impact analysis must compare the existing, background, and full build-out intersection traffic volumes to the minimum intersection operation standards. The City of Madras evaluates intersection operational performance based on levels of service and "demand-to-capacity" (d/c) calculations.

(i) Intersection Demand-to-Capacity Analysis. A capacity analysis should be performed at all intersections within the identified study area. The methods identified in the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, are to be used for all intersection capacity calculations. The City of Madras requires that all intersections within the study area must maintain a d/c ratio of 0.95 or less.

(j) Intersection Levels of Service. The City of Madras requires all intersections within the study area to maintain an acceptable level of service (LOS) upon full build-out of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for un-signalized intersections are based on the average control delay and volume-to-capacity ratio for the worst or critical movement. All LOS calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS "D," while the minimum acceptable level of service for un-signalized intersections is LOS "E" or LOS "F" with a d/c ratio of 0.95 or less. Any intersections not operating at these standards will be considered unacceptable.

(k) Modifications. The Public Works Director may amend or waive any requirement of a transportation impact analysis.

**FINDING:** The submitted transportation analysis includes all of the required elements.

**(3) Transportation Planning Rule.** Every application subject to the Transportation Planning Rule shall include discussion and proposed findings of compliance with the Transportation Planning Rule as part of the transportation assessment letter or transportation impact analysis, as applicable.

**(4) Review Policy and Procedure.** To be utilized as part of an application for a land use approval, the Public Works Director must approve, or approve with conditions, the traffic assessment letter or transportation impact analysis based on the following considerations:

- (a) The road system is designed to meet the projected traffic demand at full build-out and the functional roadway classification standards are consistent with the proposed use.
- (b) Access is properly placed in relation to sight distance (i.e., does the driveway location meet both intersection and stopping sight distance requirements), driveway spacing, and other related considerations, including opportunities for joint or crossover access.
- (c) The driveway access for dwelling units is located on interior residential access streets rather than major roadways.
- (d) Traffic movement within the site is provided without having to use the peripheral road network.
- (e) The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
- (f) The site plan provides for potential future crossover of consolidated access, and/or alternative access.

**(5) Conditions of Approval.** As part of approving a transportation assessment letter or transportation impact analysis, the Public Works Director may impose conditions of approval including, without limitation, the following:

- (a) Crossover easement agreements between adjoining parcels.
- (b) Access restrictions including requiring shared access.
- (c) Right-of-way dedications including dedications for multi-use paths.
- (d) Street improvements including traffic signs and signals.
- (e) Trip caps. [Ord. 933 § 5.18, 2019.]

**FINDING:** The applicant has proposed a 4-lot subdivision including 60 units apartments and 3 Single-family dwellings. The proposed development includes a rezone from R-1 to R-3, the study also requires compliance with the Transportation Planning Rule provisions for Plan and Land Use Regulation Amendments (OAR 660-012-0060). The transportation analysis concludes that none of the studied intersections will fail to meet performance standards as a result of the proposed development. The Public Works Director concurs with the analysis and did not identify any conditions of approval.

**SECTION [18.25.190](#) Exterior colors.**

**The exterior of any structure shall be a color consistent with Ordinance 845\*. [Ord. 933 § 5.19, 2019.]**

**FINDING:** The applicant is proposing muted earth tones consistent with Ordinance 845.

**Chapter [18.30](#): SPECIAL STANDARDS FOR CERTAIN USES**

(...)

**SECTION [18.30.190](#) Residential design standards.**

**(1) Purpose.** The residential design standards are intended to facilitate the development of attractive housing while promoting multi-modal transportation, attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural



styles. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

(2) Aspirational Provisions. The following are not approval criteria but aspirations for residential development with the City. Developers are encouraged to design their developments to achieve the following:

(a) Livability. Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, providing housing in close proximity to existing commercial uses, and providing public and private open spaces for outdoor use.

(b) Compatibility. Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Madras while being sensitive to the natural topography and significant natural features.

(c) Safety and Functionality. Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety and is well integrated into the city’s overall circulation system.

(3) Applicability.

(a) Applicability for New Construction. Residential design standards apply to new construction of all forms of dwellings but are not uniformly applied to each type of dwelling unit or type of site development. Applicability (or nonapplicability) of specific residential design standards to specific dwelling types is set forth in MDC Table 18.30.190-1. Additional design standards for townhouses and cottage clusters can be found in MDC [18.30.191](#) and [18.30.192](#).

**FINDING:** The applicant has proposed new residential development and therefore the requirements of MDC 18.30.190 apply to the proposed development.

**Table 18.30.190-1. Applicability of Residential Design Standards by Housing Type in R-1, R-2, R-3, C-1, C-2, and C-3 Zones**

Design Standard	Applicability				
	1 – 4 units (attached or detached)	Cottage Clusters	Townhouses	Apartments	Mixed-Use Building or Development
(a) Articulation	[2]	[2]	[2]	[2]	[10]
(b) Transparency	[2] [3]	[2] [3]	[2] [3]	[2]	[10]
(c) Main entrance	[2] [3]	[2] [3]	[2] [3]	N/A	[10]
(d) Detailed design	[2]	[2] [3]	[2] [3]	[2] [7]	[10]
(e) Transitional space	[2] [7]	[2] [7]	[2] [7]	[2] [7]	[10]
(f) Common area	[11]	[8]	[1] [11]	[9] [11]	[11]

Design Standard	Applicability				
	1 – 4 units (attached or detached)	Cottage Clusters	Townhouses	Apartments	Mixed-Use Building or Development
(g) Pedestrian circulation	[1] [5]	[1] [5]	[2] [7]	[1]	[1]
(h) Off-street parking	[1]	[1] [4]	[1] [4]	[1] [4]	[1] [4]
(i) Privacy and screening	N/A	[1]	[1]	[1]	[1]
(j) Storage	[6]	[6]	[6]	[6]	[6]
(k) Trash enclosures	[12]	[1]	[1]	[1]	[1]

Table 18.30.190-1 Legend:

- 1 Applicable to the entire site.
- 2 Applicable to dwellings facing the street; apartments must meet these standards for all ground floor units.
- 3 Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path.
- 4 Clustered parking requirements apply for lots with four or more parking spaces.
- 5 Applicable only for additions or new buildings.
- 6 Applicable only for new buildings.
- 7 Applicable to ground floor dwellings with access from the street or shared open space (e.g., a common open space), and access entry door is:
  - (a) Within ten feet of the street-facing property line; or
  - (b) Within the front yard setback; or
  - (c) Within ten feet of a shared open space common tract or easement.
- 8 Apartments must meet these standards for all building façades facing a shared open space.
- 9 See special standards for common courtyards in MDC [18.30.192](#).
- 10 Only applicable to dwellings in residential zones.
- 11 Only applicable if residential portion of mixed-use building/development faces the street.
- 12 All residential development in the C-2 and C-3 zones other than cottage cluster developments must provide 50 square feet per dwelling unit for passive use, such as patios (ground level or rooftop), decks, balconies, etc.
- 12 Not applicable to residential developments with three or fewer dwelling units on a particular lot.

(c) **Waivers or Modifications.** The Community Development Director may waive or modify any residential design standard if the Community Development Director finds that: (i) the waiver or modification will not harm or will be beneficial to the public in general; and (ii) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of promoting attractive housing stock. The application for a waiver, modification, or deferral must be in writing submitted as part of a development application, shall be subject to applicable fees

established by the City Council, and shall require that the application be subject to a Type II procedure if not already subject to a Type II or higher procedure. The application must specify the nature of the requested waiver or modification and how the criteria listed above are met. The Community Development Director may impose any condition of approval necessary to satisfy the purposes of this section, including, without limitation, requiring that the developer exceed one particular standard in lieu of meeting another particular standard.

**FINDING:** These standards are applicable to the dwellings proposed as summarized in the table above. The single-family dwellings will be analyzed as part of the Zoning Permit process. Compliance for the apartments is addressed below. The applicant has not proposed any modifications or waivers.

**(4) Residential Design Standards.** All development subject to subsection **(3)** of this section shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

**(a) Articulation.** All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows:

**(i)** For buildings with 30 to 60 feet in length that faces the street, a minimum of one of the following elements shall be provided along the street-facing façades:

- (A)** A covered porch at least five feet deep.
- (B)** A balcony that is at least two feet deep and is accessible from an interior room.
- (C)** A bay window that extends at least two feet wide.
- (D)** A section of the façade that is recessed by at least two feet deep and six feet long.
- (E)** A gabled dormer.

**(ii)** For buildings over 60 feet in length that faces a street, at least one element in subsection **(4)(a)(i)** of this section shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.

**(iii)** For dwellings with less than 30 feet in length that faces a street, a covered porch at least five feet deep is required.

**FINDING:** None of the apartment structures face a street, but nonetheless comply by providing covered porches/balconies and recesses. Based on the applicant's ability to satisfy the requirements, the above stated standard is satisfied.

**(b) Transparency.** At least fifteen percent (15%) of the area of each street-facing façade must be windows or entrance doors.

**(i)** Windows and/or doors (not including garage doors) utilizing clear glass and entry doors of any material may be used to meet this standard.

**(ii)** Roof area shall not count toward total street-facing façade area but wall area above wall headers (e.g., gable ends and dormers) shall count.

**(iii)** Entry doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

**(iv)** Half of the total window area in the door(s) of an attached garage counts toward the transparency standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

**Figure 18.30.190(1). Transparency Standard Illustration**



**FINDING:** None of the apartment structures face a street, but nonetheless comply by providing windows and doors in excess of the standard. Based on the applicant's ability to satisfy the conditions of approval, the above stated standard is satisfied.

(c) **Main Entrance. At least one main entrance must meet both of the following standards:**

(i) **Be no further than eight feet behind the longest street-facing wall of the building.**

(ii) **Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch.**

**If the entrance opens up onto a porch, the porch must meet all of these additional standards:**

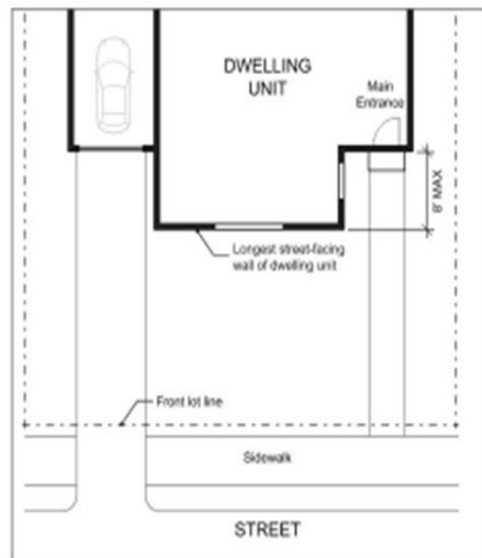
(A) **Be at least 25 square feet in area with a minimum four-foot depth.**

(B) **Have at least one porch entry facing the street.**

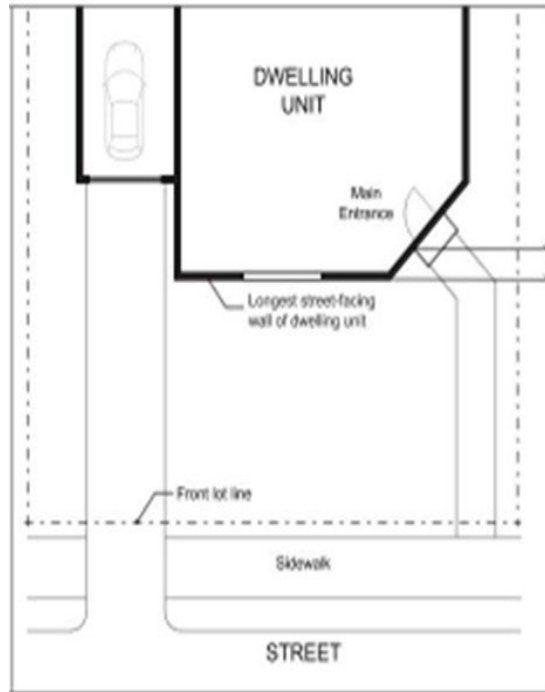
(C) **Have a roof that is no more than 12 feet above the floor of the porch.**

(D) **Have a roof that covers at least 30% of the porch area.**

**Figure 18.30.190(2). Main Entrance Facing the Street**



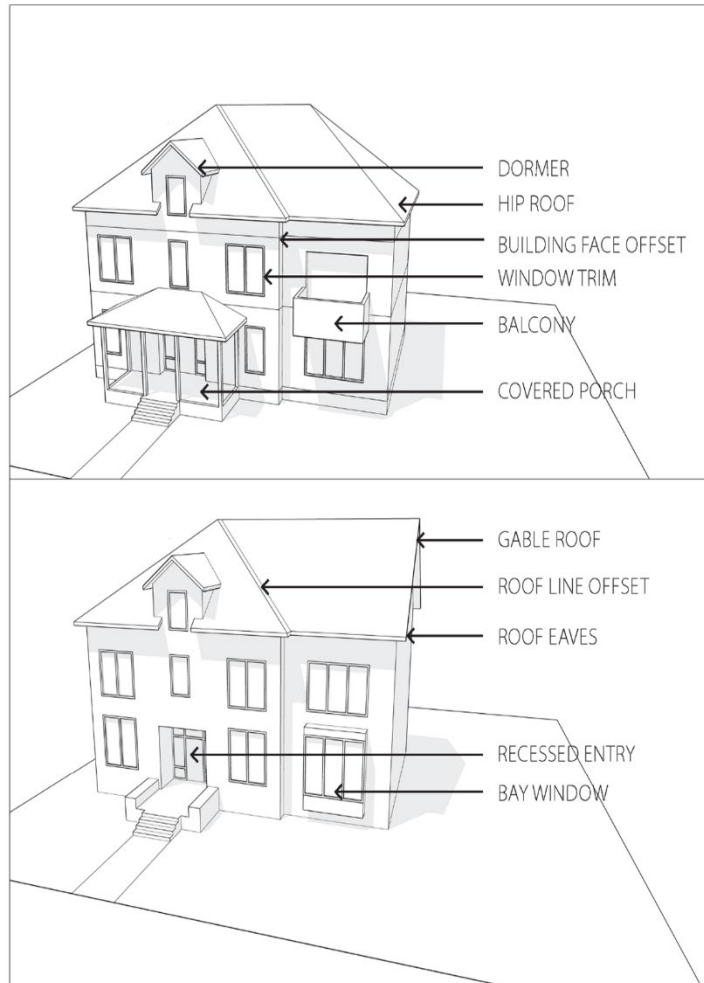
**Figure 18.30.190(3). Main Entrance at 45-Degree Angle From the Street**



**FINDING:** None of the apartment structures face a street and the units are individually accessed rather than having a main entrance, but nonetheless comply by providing compliant door way recesses and each unit has a porch/balcony.

**(d) Detailed Design. All buildings containing dwellings shall include at least five of the following features on any street-facing façade. See MDC Figures 18.30.190(4) and 18.30.190(5) for illustration of this standard.**

**Figure 18.30.190(4). Detailed Design and Building Articulation, One to Four Units**



- (i) Covered porch at least five feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least five feet wide.**
- (ii) Recessed entry area at least two feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.**
- (iii) Offset on the building face of at least 16 inches from one exterior wall surface to the other.**
- (iv) Dormer that is at least four feet wide and integrated into the roof form.**
- (v) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.**
- (vi) Roof line offsets of at least two feet from the top surface of one roof to the top surface of the other.**
- (vii) Tile or wood shingle roofs.**
- (viii) Horizontal lap siding between three to seven inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.**
- (ix) Brick, cedar shingles, stucco, or other similar decorative materials covering at least thirty percent (30%) of the street-facing façade.**
- (x) Gable roof, hip roof, or gambrel roof design.**

(xi) Window trim around all windows at least three inches wide and five-eighths (5/8) inch deep.

(xii) Window recesses, in all windows, of at least three inches as measured horizontally from the face of the building façade.

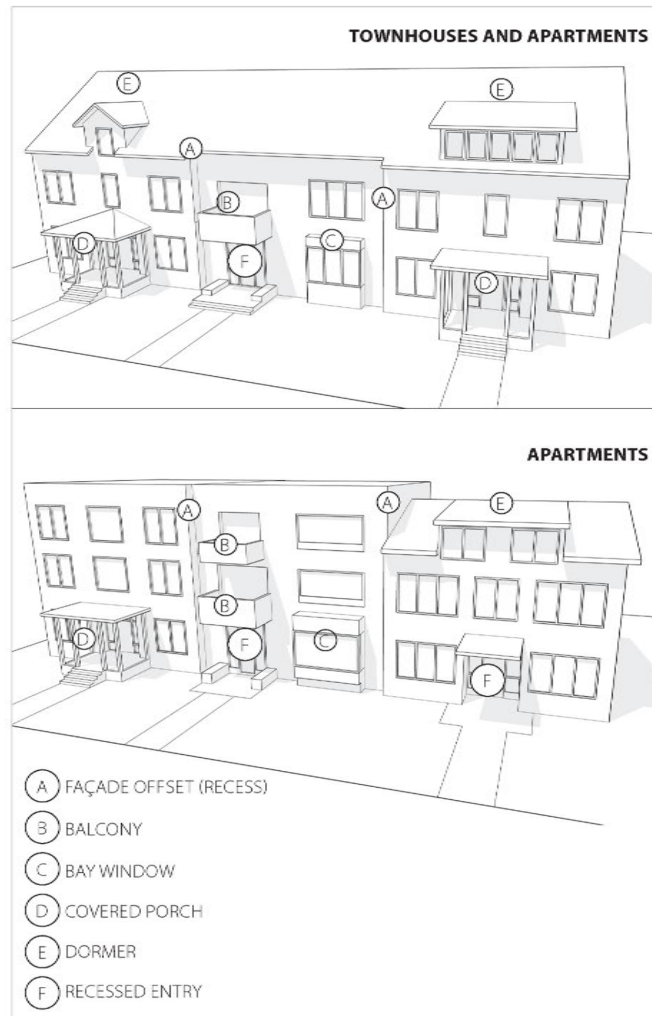
(xiii) Balcony that is at least three feet deep, five feet wide, and accessible from an interior room. For townhouses, a balcony must be at least two feet deep and four feet wide.

(xiv) One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.

(xv) Bay window at least two feet deep and five feet long. For townhouses, bay windows must be at least two feet deep by four feet wide.

(xvi) Balconies and bay windows for townhouses may encroach into the required setback area.

Figure 18.30.190(5). Townhouse and Apartment Detailed Design and Building Articulation



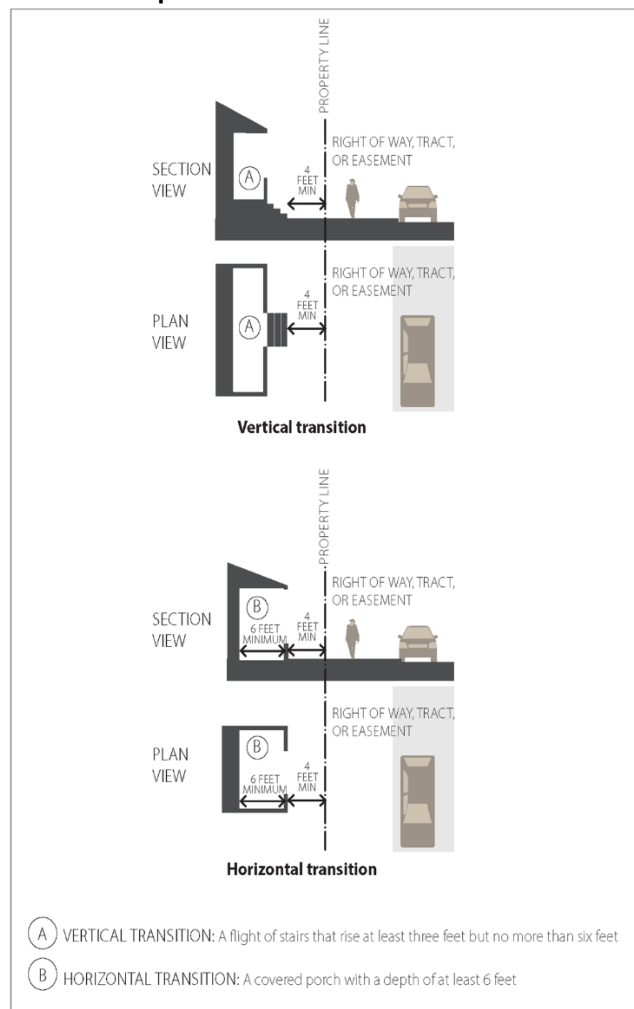
**FINDING:** The applicant has proposed residential development and the applicable standards in MMC 18.30.190(4)(d) shall be constructed in accordance with this standard by proposing at least five features. The building design meets the following standards (8) total: (ii), (iii), (iv), (v), (viii), (x), (xi) and (xiii).

(e) **Transitional Space.** Ground floor dwellings which have their entry access from the street or a shared open space (e.g., a common courtyard) must include an area of transition behind the right-of-way (or tract or easement). The standards below apply when the private dwelling entry access door is within 10 feet of the street-facing property line, within the front yard setback, or within 10 feet of a shared open space common tract. Mixed-use residential buildings are exempt from this standard. The transitional space between the public realm and the entry door may be either vertical or horizontal, as described below. A lobby counts as transitional space.

(i) A vertical transition must be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least three feet, and not more than six feet, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least four feet from the front lot line.

(ii) A horizontal transition shall be a covered porch with a depth of at least six feet. The porch may encroach into the required front yard, but it must be at least four feet from the front lot line.

Figure 18.30.190(6). Transitional Space





**FINDING:** The proposed apartments do not face a street or otherwise have entry access from a street. The proposed doorways are more than 10 feet from any shared open space common tract. In any event, the proposed covered porches provide transitional space.

**(f) Common Area.**

**(i) Except in C-2 or C-3 zone, townhouse projects with eight units or more (or greater than 1.5 gross acres) and all apartments must provide a common area that allows for passive and active recreation that meets the following standards:**

**(A) The common area must be no less than 200 square feet per dwelling in the development.**

**(B) There must be a lawn area with outdoor seating on the common area that will allow residents and their guests to reasonably gather and recreate. Landscaped portions of the common area may be applied towards satisfaction of the open space requirement for a master planned development.**

**(C) In addition to any other requirement, at least one recreational amenity must be provided for any development with twenty-five (25) or more dwellings, and two recreational amenities will be provided for any development with fifty (50) or more dwellings. Recreational amenities include swimming pools, playgrounds, sport courts, covered seating area, outdoor cooking facilities, and other amenities acceptable to the decision maker. Recreational facilities may be located on common area, but at least fifty percent (50%) of the common area must remain landscaped.**

**(ii) In the C-2 and C-3 zones, all residential uses other than cottage cluster developments must provide 50 square feet per dwelling unit for passive use, such as patios (ground level or rooftop), decks, balconies, etc. The square footage may be any combination of common area or private space for individual units.**

**(iii) Cottage clusters must provide the common courtyard required under MDC [18.30.192](#) regardless of zone.**

**FINDING:** For the proposed 60 units, the minimum required common area is 12,000 sq. ft. The applicant has proposed a total of 12,730 sq. ft. common area including 1,772 sq. ft. paver patio with tables, chairs, pedestal grills, and shade trees as well as 10,958 sq. ft. benches, trees, and lawn are proposed in the dog park. The materials submitted by the applicant do demonstrate compliance with MMC 18.30.190(4)(f).

**(g) Pedestrian Circulation.**

**(i) An accessible pedestrian path must be provided that connects the main entrance of each dwelling to the following, as applicable:**

**(A) The common courtyard;**

**(B) Shared parking areas;**

**(C) Community buildings; and**

**(D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.**

**(ii) The pedestrian path must be hard-surfaced, ADA compliant, and a minimum of five feet wide.**

**FINDING:** The applicant has proposed residential development and the applicable standards in MMC 18.30.190(4)(g) shall be constructed in accordance with the City's Public Improvement Design and Construction Standards prior to receiving final occupancy of any building. Applicant is proposing pedestrian paths and sidewalks compliant with the foregoing standards.

Zone Change, Site Plan, and Subdivision: Stone Oak

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**(h) Off-Street Parking.**

- (i) Development involving dwellings must provide the applicable amount of off-street parking required under MDC [18.25.050](#).**
- (ii) Driveways for any development involving dwellings must be hard surfaced (i.e. asphalt, concrete, pavers, turfstone pavers, or other material acceptable to Community Development Director) and otherwise compliant with design and construction standards.**
- (iii) If a development involving dwellings features four or more parking stalls outside of garages, such external parking stalls shall be arranged in clusters, subject to the following standards:**
  - (A) Parking clusters shall not exceed eight contiguous spaces.**
  - (B) Parking clusters must be separated from other clusters by at least four feet of landscaping.**
  - (C) All parking stalls and vehicle maneuvering areas must be hard surfaced.**

**FINDING:** The applicant will need to submit a revised site plan consistent with the 8 contiguous spaces requirement.

**CONDITION OF APPROVAL:** Prior to the issuance of building permits, Applicant will submit a revised site plan with parking areas not exceeding eight contiguous spaces.

- (iv) Except for driveways (and permitted parking on driveways), off-street parking spaces and vehicle maneuvering areas must not be located:**
  - (A) Within 10 feet from any street-facing property line, except alley property lines.**
  - (B) Between a street property line and the front façade of any building. This standard does not apply to alleys.**
  - (C) Off-street parking spaces must not be located within five feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within five feet of other property lines.**
- (v) Landscaping, fencing, or walls that are at least three feet tall must separate and screen clustered parking areas and parking structures from common courtyards and public streets.**

**FINDING:** There are no parking spaces with 10 feet of NE Stone Oak Court. None of the proposed buildings are oriented towards a street and thus there are not parking spaces between the front façade and NE Stone Oak Court. No parking spaces are located within 5 feet of a property line.

**(i) Privacy and Screening.**

- (i) Mechanical, communication equipment, outdoor garbage, and recycling areas must be screened so they are not visible from streets and common open spaces.**
- (ii) Utilities such as transformers, heating and cooling, power meters, and other utility equipment must not be located within five feet of a front entrance of a dwelling and must be screened with sight-obscuring materials.**
- (iii) All fences must be no more than six feet high. Chain-link fences are prohibited.**

**FINDING:** Applicant is proposing to enclose the trash area, install perimeter fencing, and screen mechanical equipment. No above ground utility infrastructure is located within 5 feet on the front entrance of a dwelling.

**(j) Storage.**

**(i) All dwellings except for dwellings within mixed-used buildings and apartments must provide a minimum of 24 square feet of storage per each unit. Storage must be individually assigned to each dwelling unit and located in garages, exterior accessible closets or attached storage units, or detached storage units within 200 feet from each unit.**

**(ii) Dwellings within mixed-used buildings and apartments may either comply with subsection [\(4\)\(j\)\(i\)](#) of this section, provide 24 square feet of storage within each dwelling unit in closets other than bedroom closets, or some combination of the foregoing two options that amounts to 24 square feet of storage in total.**

**(iii) Only storage areas with six feet or more of vertical clearance shall count toward the minimum storage requirements.**

**(iv) Only garage space in excess of 150 square feet may be applied towards storage requirements.**

**FINDING:** The applicant indicates that separate storage units are proposed for each unit that are accessible from the porch or balcony. The submitted plans do not indicate the square footage of these units. The applicant further notes that detached storage units may be proposed in the future. Any detached storage units will require separate land use approval.

**CONDITION OF APPROVAL:** Prior to the issuance of building permits, Applicant will submit a revised floor plans demonstrating compliance with the storage requirement of MDC 18.30.190(4)(j).

**(k) Trash Enclosures. Any residential development of three or more dwelling units (including any townhome or cluster development of three or more dwelling units) must provide an enclosure for storage of trash and recycling bins or dumpsters. The trash enclosure may either be at a centralized location or incorporated into the design of each dwelling unit. Trash enclosures must use the same color and materials as the dwelling units on the site. Trash collection bins or carts must be approved by the collection company. The trash enclosures and service areas are subject to the same setback standards from all public or private streets as the dwellings on the site. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 945 § 2 (Exh. B), 2020.]**

**FINDING:** Applicant has proposed a centralized trash enclosure consistent with the foregoing standards.

## Chapter [18.35](#): SIGNS

### SECTION [18.35.010](#) Basic provisions.

**(1) Sign Erection, Repair, Etc. It is unlawful for any person to erect, repair, alter, relocate or maintain within the City any sign or other graphic except as provided in this Development Code.**

**(2) Sign Conformance. All signs must be erected, altered, and maintained in conformance with this Development Code, the Uniform Building Code, and all other applicable state and federal laws. No sign shall stand on, protrude onto, or be anchored in rights-of-way or other public property without the written authorization of the public entity responsible for such property. [Ord. 933 § 7.1, 2019.]**

### SECTION [18.35.020](#) Prohibited signs.

Except for nonconforming signs, the following signs are unlawful and are declared nuisances:

- (1) Abandoned signs.**
- (2) Video signs or other signs that display a moving image other than scrolling/flashing/changing text or numbers.**
- (3) Electronic signs that flash, change colors, display a moving/changing image (including scrolling/flashing/changing text or numbers), or would otherwise pose a distraction to motorists unless authorized to be located on public property.**
- (4) Any sign constructed, maintained, or altered in a manner without a permit or otherwise in violation of this Development Code.**
- (5) Any sign constructed or maintained which, by reason of its size, location, movement, coloring, or manner of illumination may be confused with or construed as a traffic control device/signage or which hides from view any traffic control device/signage.**
- (6) Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire or other emergency.**
- (7) Any sign located in a manner that could impede traffic on any street, alley, sidewalk, bikeway, or other pedestrian or vehicular travel way.**
- (8) Any sign equipped with moving, rotating, or otherwise animated parts.**
- (9) Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign.**
- (10) Any sign located on private property within the vision clearance area.**
- (11) Any sign attached to a tree, plant, or utility pole, except as otherwise allowed or required by applicable law.**
- (12) Any sign within or over any public right-of-way (including banners spanning a public right-of-way) or located on private property less than two feet from any area subject to vehicular travel, except for signs, whether permanent or temporary, specifically allowed within the public right-of-way with the approval of the controlling jurisdiction.**
- (13) Off-premises signs and signs not authorized within a right-of-way by the controlling jurisdiction.**
- (14) Roof signs.**
- (15) Any other sign that is not allowed under this Development Code that presents a threat to public health, safety, or welfare, or is otherwise unlawful. [Ord. 933 § 7.2, 2019.]**

**SECTION 18.35.030** Signs in residential zones.

- (1) Residential properties are limited to two residential signs per property.
- (2) Notwithstanding subsection (1) of this section, nonresidential uses authorized by the Development Code and residential structures comprised of five or more independent dwelling units may erect additional signs as follows:
  - (a) One or more wall-mounted signs not exceeding 100 square feet. Signs authorized under this provision must be erected as a flush-mounted wall sign as defined in this Development Code.
  - (b) One freestanding sign not exceeding 100 square feet in size.
  - (c) The total area for all signage shall be limited to 150 square feet.
  - (d) Signs shall not be back-lighted or electronic. Front-light illumination is authorized where it does not project onto adjoining properties and is otherwise compliant with the outdoor lighting standards.
- (3) Property designated as common property on a plat or other deed restriction is deemed to be an authorized nonresidential use for purposes of this section.
- (4) Notwithstanding subsection (2) of this section, only residential signs may be used to advertise home occupations, as that term is defined in the Development Code. [Ord. 933 § 7.3, 2019.]

**SECTION 18.35.040** Signs in nonresidential zones.

Signs in nonresidential zones shall meet the following standards:

- (1) The total area of all signs on the premises may not exceed 300 square feet. Unless otherwise prohibited by this section, the maximum area shall be 150 square feet for any individual sign.
- (2) Freestanding signs in all nonresidential zones are subject to the following restrictions:

Table 18.35.040-1. Freestanding Signs in Nonresidential Zones

FREESTANDING SIGNS				
ZONE	TYPE ALLOWED	NUMBER ALLOWED	MAXIMUM AREA	MAXIMUM HEIGHT
C-1	Pole or Monument	1 *	150 sq. ft.	20 ft.
C-2	Monument	1 *	32 sq. ft.	8 ft.
C-3	Pole or Monument	1 *	40 sq. ft.	20 ft.
NC	Pole or Monument	1 *	32 sq. ft.	20 ft.
Industrial	Pole or Monument	1 *	150 sq. ft.	35 ft.

\* One freestanding sign shall be allowed per property except as allowed by subsections (3) and (4) of this section.

(3) For through lots (properties that have frontage on opposite sides of the same block), two freestanding signs are permitted. The freestanding signs must be oriented toward opposite frontages.

(4) A business complex under two acres in gross area, regardless of the number of individual properties comprising the business complex, shall only be permitted the amount of signage permitted for a single property. A business complex over two acres in gross area shall be permitted the amount of signage permitted for two properties, which may be distributed throughout the business complex regardless of internal property lines. These limitations apply regardless of the number of businesses, buildings, or properties that comprise the business complex.

(5) Each building on a property shall be entitled to two square feet of flush-mounted or wall sign area per lineal foot of the building's width on the dominant facade, with a maximum of 150 square feet of signs or six percent (6%) of the linear measurement of the building's dominant facade, whichever is greater. This limitation applies regardless of the number of businesses that may occupy the building. [Ord. 933 § 7.4, 2019.]

**SECTION [18.35.050](#) Projecting signs.**

Unless otherwise permitted by this Development Code or by the Public Works Director, signs shall not encroach onto:

- (1) Adjoining properties;
- (2) A public right-of-way; or
- (3) Any vision clearance area. [Ord. 933 § 7.5, 2019.]

**SECTION 18.35.060 Directional signs.**

Directional signs designed to be read by a person on the premises on which the sign is located and used to identify buildings/businesses/amenities or direct persons on the premises are limited to four square feet in area and may be no more than four feet high if freestanding. If the sign is on the wall of a building, the directional sign shall be limited to four square feet in area and located no more than eight feet high. [Ord. 933 § 7.6, 2019.]

**SECTION [18.35.070](#) Sign location.**

Except for billboards, signs may not extend above the roofline, eaves, or parapet wall of the building to which they are attached, or above the tallest building on the premises (or closest building if the property is vacant) if the sign is freestanding. [Ord. 933 § 7.7, 2019.]

**SECTION [18.35.080](#) Billboards.**

Billboards are allowed with certain limitations in specified nonresidential zones but are prohibited in all residential zones. Billboards shall also be subject to the following regulations:

(1) **Limitation on the Total Number of Billboards.** The total number of billboards located within the City limits and urban growth boundary shall be limited to eighteen (18). Signs lost or removed for any reason shall not be replaced until the total number of billboards in the City limits and urban growth boundary is reduced to fourteen (14), which shall then become the maximum number of billboards permitted thereafter.

(2) **Replacement of Billboards.** When the total number of billboards within the City limits and urban growth boundary has been reduced in number to a total of fourteen (14), in accordance with subsection (1) of this section, billboards may be replaced upon application by any person or entity possessing an appropriate State of Oregon permit, subject at all times to the maximum fourteen (14) sign number limitation.

(a) No person or entity shall file an application for a new or replacement billboard without proof of possession of a valid State of Oregon permit allowing placement of a billboard within the designated City limits and urban growth boundary. New or replacement billboards shall be permitted only as provided in subsection (3) of this section.

(3) **Maximum Size Limit for Replacement Billboard.** The maximum size of each replacement billboard sign, noted in subsection (2) of this section, shall be 250 square feet per side.

(4) **Location of Billboards.**

(a) No billboards shall be permitted on 4th or 5th Streets between S.E. J Street and N.E. Cedar Street.

(b) Only one billboard is permitted per property.

(c) No billboard shall be located within 400 feet of another billboard.

(5) **Height of Billboards.** No billboard shall exceed 35 feet in height.

(6) **Features.** Billboards may not feature video screens, reader boards, or other components that flash, change colors, display movement, or would otherwise pose a distraction to motorists. [Ord. 933 § 7.8, 2019.]

#### **SECTION [18.35.090](#) Temporary signs.**

(1) **General Requirements.** Temporary signs shall not be restricted by content and shall not affect the amount or type of signage otherwise allowed by this Development Code. Examples of temporary signs include, but are not limited to, nonpermanent signs usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, construction, or events. Temporary signs may be erected and maintained in the City only in compliance with the following specific provisions:

(a) No temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign without a permit.

(b) Temporary signs may not be reflective, electronic, or contain any moving or flashing parts.

(c) A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.

(d) Except as provided in this Development Code, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices.

(e) No temporary sign shall be erected or maintained which, by reason of its size, location, or construction constitutes a hazard to the public.

(f) No temporary signs shall be allowed in the public right-of-way or on public property except as provided below. The following temporary signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this Development Code. No temporary sign permitted under this subsection shall interrupt the normal flow of vehicle, pedestrian, or bicycle traffic, shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists, and shall not inhibit the use of parking facilities. No temporary sign permitted under this subsection shall extend into a vision clearance area. Temporary signs allowed under this subsection include:

(i) Signs owned or erected by the public body that owns or manages the right-of-way or public property;

(ii) Sidewalk signs subject to the following limitations:

(A) Sidewalk signs shall be displayed only during the business hours of the responsible business.

(B) Sidewalk signs shall occupy no more than four square feet of right-of-way and shall be no taller than four feet.

(C) Sidewalk signs placed anywhere other than directly adjacent to the business shall be placed only with the written consent of the property owner of the adjacent property.

(D) No more than one sidewalk sign shall be permitted per business on a particular property except that one additional sidewalk sign shall be permitted per property for each 200 feet of street frontage. Notwithstanding the foregoing, in no event may a property be associated with more than three sidewalk signs.

(g) Substantially similar temporary signs and those advertising the same event, which are erected sequentially, will be considered the same temporary sign for purposes of applicable temporal limitations.

(h) Temporary signs shall be removed within seven days after the culmination of the event or purpose for which the temporary sign was erected, regardless of any permitted time then remaining.

**(2) Temporary Signs in Residential Zones.** Temporary signs in residential zones shall be restricted as follows:

(a) Temporary signs not exceeding six square feet in area or four feet in height shall be permitted for a period of ninety (90) days.

(b) Temporary signs exceeding six square feet in area and/or four feet in height, but not exceeding 12 square feet and/or six feet in height shall be permitted for a period of thirty (30) days. No more than one such sign shall be permitted per property.

(c) The maximum square footage of temporary signs on any particular residential property is 25 square feet.

**(3) Temporary Signs in Nonresidential Zones.** Temporary signs in nonresidential zones shall be restricted as follows:

(a) Temporary signs not exceeding 20 square feet in area or six feet in height shall be permitted for a period of one hundred twenty (120) days.



(b) Temporary signs exceeding 20 square feet in area and/or six feet in height, but not exceeding 32 square feet and/or 10 feet in height, shall be permitted for a period of sixty (60) days.

(c) The maximum square footage of temporary signs on any particular nonresidential property is 250 square feet per acre with a minimum of 50 square feet and maximum of 500 square feet. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 7.9, 2019.]

**SECTION [18.35.100](#) Exemptions.**

The following signs are exempt from the permitting requirements of this Development Code. All signs, even those exempt from permitting, must comply with sign dimensional, location, placement, maintenance, and all other applicable requirements.

- (1) Traffic or pedestrian control signs.
- (2) Signs erected or maintained by public bodies.
- (3) Flags mounted on a pole in the ground or on a building are exempt, but are subject to Development Code height regulations and shall be located and constructed so that, if the pole should collapse, its reclining length would be contained on the property on which it is installed.
- (4) Signs placed in the public right-of-way by the public body responsible for administering the right-of-way or by a public body providing transit services within the right-of-way.
- (5) Plaques, tablets, or inscriptions on buildings that do not exceed four square feet in area.
- (6) Signs constructed to identify emergency services such as fire, police, or hospital facilities.
- (7) Temporary signs that comply with the provisions of MDC 18.35.090.
- (8) Residential signs.
- (9) Signs altered or erected pursuant to MDC 18.35.120(1)(c). [Ord. 933 § 7.10, 2019.]

**SECTION [18.35.110](#) Sign permits.**

(1) **Permit Applications.** Unless exempt under MDC 18.35.100, a permit issued by the Community Development Director is required to erect or alter any sign within the City limits. Applications for a sign permit shall be made in writing upon forms furnished by the City and subject to applicable fees. Such applications shall include a scale drawing of the sign, including dimensions, height, and materials, and show its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted that indicates the location of proposed signage relative to streets and property lines.

Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign and a building permit may be required. The Building Official or Community Development Director may require other pertinent information where, in their opinion, such information is necessary to determine compliance with the provisions of this Development Code.

**(2) Issuance of Permit.** The Community Development Director shall approve an application and issue a sign permit unless the sign fails to meet the standards or is otherwise in violation of the provisions of this Development Code. Sign permits mistakenly issued in violation of this Development Code are void.

**(3) Permit Revocation.** The Community Development Director may revoke a sign permit if there was a material omission or misleading statement of fact in the application for the permit.

**(4) Permit Time Restrictions.** A sign permit shall be null and void if all work necessary to erect the sign has not been completed within six months of the date of issuance of the permit. The Community Development Director may authorize a single extension for up to an additional three months if the applicant demonstrates significant progress or that the delay was the result of circumstances outside of the applicant's control. Otherwise, the applicant must apply for and obtain a new approval to erect the subject sign.

**(5) Temporary Sign Permits.** The Community Development Director may grant temporary permits for nonexempt temporary signs for a period of no more than thirty (30) days if the Community Development Director determines the sign will not present a risk to health, safety, or welfare and does not exceed applicable regulations for a comparable permanent sign. The Community Development Director may condition a temporary sign permit by any means necessary to achieve the objectives of this Development Code. Applicants shall apply for a temporary sign permit on the forms prescribed by the Community Development Director. [Ord. 933 § 7.11, 2019.]

**SECTION [18.35.120](#) Sign maintenance and enforcement.**

**(1) Existing Sign Alteration or Replacement.**

**(a) Nonconforming signs** must not be altered or replaced unless the sign is made to conform to the provisions of this Development Code, or otherwise allowed under subsection (3) of this section, Sign Maintenance Requirements.

**(b) Premises with a nonconforming sign** shall not be eligible for any additional signs until the existing sign is made to conform to the requirements of this Development Code.

**(c) Pole signs located in the Downtown Commercial (C-2) Zone** are permitted to change the business name and logo on existing pole signs without application for a new sign permit so long as the use of a building does not change (e.g., retail to retail). A change in use of a building requires all signage to comply with all requirements of this Development Code. A change of use shall be determined by the difference in the minimum number of required off-street parking spaces between the previous and proposed uses as required under MDC Table 18.25.050-1. If there is a difference in the minimum number of required off-street parking spaces, it shall constitute a change of use only for the purposes of the sign maintenance requirements of this Development Code under subsection (3) of this section.

**(d) For signs subject to permitting requirements,** changes to interchangeable panels or other alterations to the face of a sign shall also be subject to the permitting requirements in MDC 18.35.110.

**(2) Damaged Signs.** Any sign that is damaged by over fifty-one percent (51%) of the replacement cost of the sign shall not be eligible for repair, but shall be immediately removed. Any replacement signs

shall conform to the standards of this Development Code and be subject to the same permitting requirements as if the sign were new.

**(3) Sign Maintenance Requirements.**

(a) All signs within the City limits shall be maintained in a secure and safe manner.

Maintenance includes minor repairs necessary to maintain the sign in its original state.

(b) Temporary and freestanding signs shall be kept clear of rubbish and weeds. All other signs shall be securely mounted to a structure. If any sign is found not to be securely mounted, or if it is a hazard, the owner shall be notified and shall be instructed to secure the sign. An owner shall secure the sign within ten (10) days of notice. [Ord. 933 § 7.12, 2019.]

**SECTION [18.35.130](#) Variance.**

An applicant for a sign permit or an applicant owning or leasing a sign that is not in compliance with the provisions of this Development Code may apply for a variance. Applications for a minor or major variance shall be processed in accordance with the procedures and criteria for a variance set out in MDC 18.50.040. [Ord. 933 § 7.13, 2019.]

**FINDING:** Applicant is not presently proposing any signs. Any signs added to the site at a later date will require a sign permit review approval unless exempt.

**CONDITION OF APPROVAL:** Applicant will not install any signs on the property without obtaining a site permit approval except for exempt signage.

**Chapter [18.40](#): ZONING REVIEW, SITE PLAN REVIEW, AND DESIGN REVIEW**

**SECTION [18.40.010](#) Zoning review.**

**Purpose.** To determine compliance with this Development Code for development not subject to site plan review.

**FINDING:** The single family dwellings will be subject to Zoning Review at the time of building permit application.

**(1) Application Requirements.** Prior to the construction, alteration, or change of use for development not subject to site plan review, the City Community Development Department may require a zoning review application, which will be processed as a Type I Application.

**(2) Approval Criteria.**

(a) The proposed land use is a permitted or conditionally permitted use in the zoning district.

(b) If conditionally permitted, the applicant has obtained conditional use approval.

(c) The setbacks, lot area, landscaping, lot dimensions, density, lot coverage, building height, Design Review Standards, and other applicable standards of the underlying zoning district are met.

(d) The property has lawful access.

(e) The minimum required number of parking spaces and vehicle circulation areas shall be paved and striped.

**(3) Approval.** Approval of a zoning review application shall be void after one year unless a building permit has been obtained and substantial construction has taken place. However, the Community Development Director may extend authorization for an additional period not to exceed one year upon request by the applicant or property owner. [Ord. 933 § 8.1, 2019.]

**SECTION 18.40.020 Site plan review.**

**Purpose.** To determine compliance with this Development Code for development not subject to zoning review.

**(1) Applicability.** Site plan review is required for the following:

- (a) All new or modified conditional uses.**
- (b) All new nonresidential development.**
- (c) Apartments.**
- (d) All new or modified outdoor uses of 3,000 square feet or greater.**
- (e) Any expansion or modification of an existing nonresidential or apartment or residential mixed-use development in excess of 3,000 square feet or that requires a new or modified point of access.**
- (f) All townhome developments.**
- (g) Cottage cluster developments.**

**FINDING:** The apartments are subject to site plan review.

**(2) Site Plan Committee.**

- (a) The Site Plan Committee shall consist of:**
  - (i) Community Development Director;**
  - (ii) Public Works Director;**
  - (iii) Fire Marshal; and**
  - (iv) Building Official.**

These individuals shall carry out the duties as set forth in this section.

**(b) The Site Plan Committee shall review the proposal subject to site plan review of the Development Code. Once the Site Plan Committee members have submitted their comments to the Community Development Director, the Community Development Director may approve a proposal with conditions if minimal modification will permit the proposal to comply with requirements of this Development Code. The Community Development Director may refer any site plan application to the Planning Commission for determination.**

**FINDING:** Because the applicant has requested concurrent review of the zone change and site plan approval, the site plan will be approved by the same hearings body as the zone change.

**(3) Procedures.**

- (a) Before any building permit is issued for any development subject to a site plan review, a site plan application shall be submitted for determination.**
- (b) Prior to filing a site plan application, the applicant is encouraged to confer with the Community Development Department concerning the requirements of a formal application.**

- (c) The site plan application shall be filed on a form provided by the Community Development Department.
- (d) The site plan shall be drawn to scale and shall indicate the following:
  - (i) Location, size, and height of all existing or proposed structures.
  - (ii) Location, size, and dimension of existing and proposed setbacks, and all spaces between buildings.
  - (iii) Adjoining streets and rights-of-way.
  - (iv) Points of access and circulation patterns, loading and maneuvering spaces.
  - (v) Off-street parking; showing location of parking areas, number of parking spaces including accessible parking, and type of surface.
  - (vi) Sidewalks, patios, courtyards, and decks.
  - (vii) Storm drainage system, including, but not limited to, draining and grading plan, existing topography, and elevations.
  - (viii) Fences, screens, and retaining walls, including heights and materials.
  - (ix) Existing utilities (e.g., electric, gas, power lines).
  - (x) Exterior lighting (show location and general nature).
  - (xi) Sanitary sewer system or location of septic tank and drain field (if still using and not connected to City sewer), and the distance the lot is from the nearest sewer connection.
  - (xii) Water supply (showing size of main, water flow, and size of water line).
  - (xiii) Location of existing and, if any, proposed fire hydrants with size and flow data.
  - (xiv) Identify any existing or proposed easements.
  - (xv) Proposed public improvements.
  - (xvi) Sign (if existing, location and size). Signs are subject to the provisions of Chapter 18.35 MDC.
  - (xvii) Give intended type of occupancy for the structure (e.g., assembly, educational, manufacturing, processing, storage and type of contents).
  - (xviii) List all existing or proposed conditions that could be hazardous to life and property from fire or explosion (e.g., storage of: liquefied petroleum gas, flammable or combustible liquids, explosives and blasting agents).
- (e) Within thirty (30) days, the Community Development Director shall deem the application complete or notify the applicant of the deficiencies in the application.

**FINDING:** The application was deemed complete within the required time period.

**(4) Approval Criteria for Other Than Needed Housing and Needed Housing on Discretionary Track.**

- (a) Approval of a site plan for other than needed housing shall be based on the following criteria:
  - (i) **Allowed Use.** The proposed land use is a permitted or conditional use in the zoning district. Conditionally permitted uses require approval of a conditional use permit.
  - (ii) **Zoning Standards.** The proposal complies with the applicable standards of the applicable zoning district(s) in which it is located.
  - (iii) **Safety.** The proposed development can meet applicable building and fire code standards. The proposed development does not present, or adequately mitigates, any unique safety hazards.
  - (iv) **Special Needs of the Disabled.** When deemed appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs, drop curbs, and disabled parking stalls.

- (v) **Preservation of the Natural Landscape.** The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
- (vi) **Pedestrian and Vehicular Circulation and Parking.** The location and number of points of access to the site, sidewalks, the interior circulation patterns, designs of parking areas, and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.
- (vii) **Buffering and Screening.** Areas, structures, and facilities for storage, machinery and equipment, services (main, refuse, utility wires, and similar materials), parking and loading, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impacts on the site and neighboring properties.
- (viii) **Public Improvements.** The proposal demonstrates compliance with the Public Improvement Standards.
- (ix) **Public Facilities.** All required public facilities have adequate capacity, as determined by the City, to serve the proposed use including, without limitation, the transportation, sewer, stormwater, and water systems.
- (x) **Supplementary Provisions.** All applicable provisions in Chapter 18.25 MDC are satisfied.
- (xi) **Special Standards for Certain Uses.** All applicable provisions in Chapter 18.30 MDC are satisfied.
- (xii) **Master Plan Compliance.** The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.

**(5) Approval Criteria for Needed Housing.**

- (a) **Approval of a site plan for needed housing shall be based on the following criteria:**
  - (i) **Allowed Use.** The proposed land use is an allowed use in the zoning district.
  - (ii) **Zoning Standards.** The proposal complies or can comply with the applicable standards of the applicable zoning district(s) in which it is located.
  - (iii) **Safety.** The proposed development complies or can comply with applicable building and fire code standards.
  - (iv) **Special Needs of the Disabled.** The proposed development complies or can comply with the Americans with Disabilities Act and its implementing regulations.
  - (v) **Public Improvements.** The proposal demonstrates compliance with the Public Improvement Standards.
  - (vi) **Public Facilities.** All required public facilities have adequate capacity, as determined by the City, to serve the proposed use including, without limitation, the transportation, sewer, stormwater, and water systems.
  - (vii) **Supplementary Provisions.** All applicable provisions in Chapter 18.25 MDC are satisfied.
  - (viii) **Special Standards for Certain Uses.** All applicable provisions in Chapter 18.30 MDC are satisfied.
  - (ix) **Master Plan Compliance.** The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.

**FINDING:** The proposal meets or can meet the foregoing criteria. Findings for the R-3 zone, Public Improvement Standards, Supplementary Provisions, and Special Standards for Certain Users were addressed above. Compliance with Building, Fire Codes, and the Americans with Disabilities Act will be reviewed as part of the building permit review process. There is sufficient capacity to serve the proposal as outlined in other findings. There is no applicable master plan.

- (6) To ensure that a development proposal satisfies applicable criteria, and mitigates identified impacts, the City may impose conditions of approval including, but not limited to, the following:**
- (a) An increase in the required setback(s).**
  - (b) Modifications to pedestrian and vehicular circulation patterns, parking provisions, the location and number of points of access to the site, sidewalks, and designs of parking areas.**
  - (c) Additional off-street parking.**
  - (d) Limitations on the size, location, and number of outdoor lights.**
  - (e) Limitations on the number and location of curb cuts.**
  - (f) Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposal.**
  - (g) Dedication of land or an easement for the creation or extension of access corridors for pedestrian and bicycle travel.**
  - (h) Improvements, including, but not limited to, paving, curbing, installation of traffic signals, construction of sidewalks, striping bike lanes, or other improvements to the street system which serves the subject property where the existing street system will be burdened by the applicant's proposal or the proposal would create health or safety issues if unmitigated.**
  - (i) Improvement or enlargement of utilities serving the subject property where the existing utilities system will be burdened by the proposal. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.**
  - (j) Landscaping shall comply with the appropriate zoning district's landscape requirements within the Development Code.**
  - (k) Transit facility or an easement for bus pullout if on a mass transit route.**
  - (l) Location or orientation of buildings and entrances closer to the street to serve pedestrians, bicyclists, and/or mass transit use.**
  - (m) Any other limitations or conditions necessary to achieve the purpose of this Development Code.**

**FINDING:** A number of conditions of approval have been imposed to ensure compliance with approval criteria and to mitigate impacts. Those conditions are set forth at the end of this document.

- (7) Review Process.** The Community Development Director may (at his/her discretion) elevate the application to a Type III application and review process.
- (8) Appeal.** The applicant or any interested person may appeal a decision of the Site Plan Committee to the City Council, in accordance with the procedures of MDC 18.80.240.
- (9) Revisions.** Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement, or use in any manner except in complete and strict compliance with the approved site plan.

**FINDING:** The site plan review is being processed as a Type III review because the applicant requested concurrent review with the zone change. The application will be processed in accordance with the foregoing procedures.

**(10) Time Limit on Site Plan Approval.** Authorization of site plan approval shall become void after one year unless a building permit has been obtained and remains valid and active. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 955 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. B), 2020; Ord. 933 § 8.2, 2019.]

**FINDING:** Any approval will become void if a building permit has not been obtained within one year from the date the decision becomes final.

**SECTION [18.40.030](#) Design review.**

**(1) Purpose.** The purpose of design review is to ensure that the public health, safety, and general welfare are protected, and the general interest of the public is served. The standards provide for originality, flexibility, and innovation in site planning and development in order to enhance the special characteristics that make Madras a unique place to live.

**(2) Applicability.** Unless exempt, the provisions of this section shall apply to the following activities:

- (a) All new nonresidential development.
- (b) All new apartment developments and mixed-use residential buildings that cannot meet or choose not to meet all applicable design standards in MDC 18.30.190.
- (c) All exterior modifications to existing buildings except detached single-family dwellings.
- (d) All new parking lots.
- (e) All outdoor storage and display areas.
- (f) Any expansion or modification of an existing nonresidential or apartment or residential mixed-use development in excess of 3,000 square feet or that requires a new or modified point of access that cannot meet or chooses not to meet all applicable design standards in MDC 18.30.190.

**FINDING:** The applicant has proposed a 60-unit apartment development in the R-3 zone and therefore is subject to the requirements of MDC 18.40.030.

**(3) Exemptions.** This Development Code section does not apply to the following activities:

- (a) Maintenance of the exterior of an existing structure such as re-roofing or re-siding.
- (b) Interior remodeling.
- (c) Parking lot expansions not exceeding twenty-five percent (25%) of the gross square footage of the original lot with no new access.

**(4) Review Process.** The Community Development Director shall approve, approve with conditions, or deny an application based upon compliance with the site plan criteria and Design Review Standards. Approval shall be obtained from the review authority prior to the issuance of all building permits.

**(5) Application Requirements.** All applicants shall attend a pre-application conference prior to filing a land use application that involves design review with the Community Development Department. After



attending the pre-application conference, the applicant shall file an application for design review along with other applicable applications (site plan and/or conditional use) with the Community Development Department.

**FINDING:** The application is not subject to design review because the application meets, with conditions of approval, the requirements of MDC 18.30.190. The application nonetheless meets the requirements of Design Review as outlined below.

**(6) Standards for Approvals for Other Than Needed Housing.**

**(a) Natural Features.** Buildings shall be sited to protect areas of special interest and significant natural features such as natural grade, trees, vegetation, and rock outcroppings. These resources are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement. They are to be protected during construction.

**(b) Pedestrian Walkways.**

**(i) Walkways From the Sidewalk to Building Entrances.** A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least fifty percent (50%) of the length of the walkway. Walkways shall be connected to adjacent sites wherever practicable.

**(ii) Walkways From Parking Areas to Building Entrances.** Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from the parking areas to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

**(c) Building and Sign Colors.** Exterior colors and those used on signs shall be low reflectance, subtle, neutral and otherwise consistent with Ordinance 845\*. The use of high intensity colors such as black, neon, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim. Structures shall be painted or repainted as needed to maintain an attractive appearance.

**(d) New primary buildings** shall have at least one principal building entrance oriented toward the primary front property line. Entrances for customers or members of the public should be clearly delineated. Canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.

**(e) Mechanical equipment and service areas** shall be screened with visual barriers from adjacent properties, public streets, parks, or other public areas. The architectural design of the building shall incorporate design features that screen and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, and service yards.

**(f) Exterior Building Design.**

**(i) Exterior walls of buildings that are greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building**

materials and landscaping near the walls. Walls that can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.

(ii) Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures, or other features that complement the design intent of the structure and are acceptable to the review authority.

(iii) A portion of the on-site landscaping shall abut the walls of the structure so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed from the street.

(iv) The predominant building materials should be characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units, and/or glass products.

(v) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

(vi) Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project out over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat rooftops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.

(vii) Community amenities, such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

**(g) Architectural Features for Industrial Buildings.**

(i) Exterior walls of buildings that can be viewed from a primary public street shall be constructed with at least three of the following architectural features: recesses, projections, wall insets, arcades, windows, window display areas, doors, awnings, balconies, window projections, landscape structures, or other features that complement the design intent of the structure.

**FINDING:** Based on the narrative submitted by the applicant, the exterior wall designs of the structures include a combination of architectural features and the predominant building materials, and other materials are of a characteristic of Central Oregon. Rooflines and roofs design are of a visual interest. The applicant is proposing two common areas as community amenities on the east and west side of the apartment site.

**(7) Standards for Approvals for Needed Housing.**

**(a) Pedestrian Walkways.**

(i) **Walkways From the Sidewalk to Building Entrances.** A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of

landscaping, benches, and drop-off bays for at least fifty percent (50%) of the length of the walkway. Walkways shall be connected to adjacent sites wherever practicable.

(ii) **Walkways From Parking Areas to Building Entrances.** Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from the parking areas to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

**FINDING:** The applicant has proposed compliant walkways as shown on the submitted materials.

(b) **Building and Sign Colors.** Exterior colors and those used on signs shall be low reflectance, subtle, neutral and otherwise consistent with Ordinance 845\*. The use of high intensity colors such as black, neon, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim. Structures shall be painted or repainted as needed to maintain an attractive appearance.

**FINDING:** The applicant has proposed muted earth tones in compliance with Ordinance 845.

(c) **All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the figure below. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, on each floor, and shall contain at least two of the following features:**

- (i) **Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six feet;**
- (ii) **Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or**
- (iii) **Offsets or breaks in roof elevation of two feet or greater in height.**

**FINDING:** The applicant has proposed designs that includes offsets, balconies, projections, recesses, extensions, and breaks in roof elevations.

(d) **All building elevations adjacent to a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of forty percent (40%) of front (i.e., street-facing) elevations, and a minimum of thirty percent (30%) of side and rear building elevations, shall meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.**

**Exceptions:**

- (i) A multifamily building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
- (ii) A multifamily building may be oriented to a common use courtyard.

**FINDING:** None of the proposed building elevations are adjacent to any street right-of-way. The proposal nonetheless complies by providing doors, porches, balconies, and windows meeting the coverage thresholds. There are proximate and direct pedestrian connections to the buildings and NE Stone Oak Court.

**(e) Detailed Design.** All buildings shall provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides). There are two options for complying with this requirement:

(i) **Menu Option.** Detailed design shall be provided by using at least six of the following twelve (12) architectural features on all applicable elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations): dormers, gables, recessed entries, covered porch entries, cupolas, pillars or posts, eaves (minimum 12-inch projection), window trim (minimum four inches wide), bay windows, balconies, offsets in the building face or roof by a minimum of 18 inches, decorative patterns on the exterior finish using shingles, wainscoting, board and batt.

(ii) **Detailed Design Option.** Detailed design shall be provided by showing compliance with the following design criteria:

(A) The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying zoning of the subject site.

(B) If the project includes a large structure or structures (greater than 20,000 square feet), the design shall incorporate changes in direction and divide large masses into varying heights and sizes by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.

(C) Exterior finish on vertical surfaces shall be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood shall not exceed fifty percent (50%) of the wall area. No smooth-faced cinder block construction shall be permitted on front facades. Cinder block construction for side and rear facades shall be permitted by approval as part of this review process.

**FINDING:** Applicant is subject to the provisions set forth in MDC 18.40.030.

**(8) Exceptions to Design Standards.** An exception to the Design Review Standards may be approved by the Madras Planning Commission. The Planning Commission shall conduct a quasi-judicial hearing in accordance with the provisions of Chapter 18.80 MDC. The Planning Commission's decision may be appealed to the City Council in accordance with MDC 18.80.240. [Ord. 968 § 2.5 (Exh. E), 2022; Ord.

959 § 2.1 (Exh. B), 2021; Ord. 955 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. B), 2020; Ord. 933 § 8.3, 2019.]

**SECTION 18.40.040 Design review standards for buildings greater than 30,000 gross square feet (large-scale buildings).**

**(1) Purpose.** The purpose of these regulations is to mitigate potential impacts of large-scale buildings (those containing more than 30,000 gross square feet and infrastructure that supports such structures). The provisions set out below promote development that is compatible with, and does not detract from, the City’s unique character, scale, and sense of place and encourage a mixture of uses and sizes of structures that facilitate a safe and comfortable pedestrian scale environment. Large-scale buildings and supporting infrastructure shall be kept in good condition and shall be the responsibility of the property owner or building owner. The standards in this section shall apply in addition to the standards of MDC 18.40.030. In case of a conflict, the more restrictive standards shall prevail.

**(2) Applicability.** These standards apply in addition to any Design Review Standards for all structures greater than 30,000 square feet in any zone.

**(3) Size and Mass.** No single structure greater than 150,000 gross square feet is permitted. Notwithstanding the foregoing, a structure may be larger than 150,000 gross square feet so long as no single separately rentable space within the structure exceeds 150,000 gross square feet.

**(4) Building Design.** Large-scale buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and reflect the local character. The following elements should be integral parts of the building fabric, and not superficially applied trim, graphics, or paint: color changes, material changes, texture changes, and relief features (such as offsets, projections, and reveals).

**(a) Architectural Unity.** All buildings on the same site shall be architecturally unified. “Architectural unity” means that buildings shall be related in architectural style, color scheme, and building materials.

**(b) Exterior Materials.** Predominant exterior building materials shall be of high quality material and in a color consistent with Ordinance 845. These include, without limitation: brick, exterior wood siding, rock, or stone or tinted and textured concrete masonry units. Facade colors shall be neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than fifteen percent (15%) of any building facade. The use of high intensity, metallic, black, or fluorescent colors, including primary colors, is not allowed. Exterior building materials shall not include the following:

- (i) Smooth-faced concrete block;**
- (ii) Smooth-faced tilt-up concrete panels; or**
- (iii) Pre-fabricated steel panels.**

**(c) Facades and Exterior Walls.** The following standards, which apply to all building facades which are visible from adjoining public streets or properties, are intended to reduce the massive scale of large-scale buildings which, without application of these standards, would be incompatible with City’s desired character.

- (i) Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the**

length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.

**(d) Roofs.** The following standards are intended to foster variations in roof lines to add interest to, and reduce the scale of, large-scale buildings. Roof features should complement the character of adjoining development. Roofs shall have no less than two of the following features:

**(i) Parapets concealing flat roofs and rooftop equipment, such as HVAC units, from the public view.** The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional (3D) cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.

**(ii) Overhanging eaves, extending no less than three feet past the supporting walls, for no less than thirty percent (30%) of the building perimeter.**

**(iii) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.**

**(iv) Three or more roof slope planes.**

**(e) Entryways.** Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features:

**(i) Large-scale buildings shall feature multiple entrances that are separated by not more than 300 feet along any side of a building requiring customer entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses. Multiple entryways or architectural features shall be incorporated into the design in order to break up the apparent mass and scale of large-scale buildings. Entrances may be to tenant spaces other than the primary tenant. For structures:**

**(A) 50,000 square feet to 75,000 square feet, there shall be a clearly articulated public entrance on at least two sides of the structure. At least one such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk.**

**(B) 75,000 square feet and above, shall provide a significant pedestrian amenity such as outdoor seating areas, play areas for children, and public courtyards.**

**(ii) All sides of a large-scale building that directly faces an abutting public street shall feature at least one customer entrance. Where a large-scale building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, those sides which are abutting the streets.**

**(iii) When structures are adjacent to a residential zone and separated from that zoning district by a public or private street, the large-scale building shall have at least one entryway facing that street.**

**(iv) Each large-scale building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:**

- (A) Canopies or porticos;
- (B) Overhangs;
- (C) Recesses/projections;
- (D) Arcades;
- (E) Raised corniced parapets over the door;
- (F) Peaked roof forms;
- (G) Arches;
- (H) Outdoor patios;
- (I) Display windows;
- (J) Architectural details, such as tile work and moldings which are integrated into the building structure and design; or
- (K) Integral planters that incorporate landscaped areas and/or places for sitting.

**(5) Site Design.** All supporting or associated buildings and enclosures shall be designed to be compatible with a large-scale building. Compatibility will be measured in terms of design, form, use of materials, and color.

(a) **Community Spaces.** Large-scale buildings shall provide outdoor spaces and amenities to link structures with the remainder of the community. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity. Each large-scale building shall provide at least two of the following design features, which shall be constructed of materials that match the large-scale building and are linked by sidewalks to the structure:

- (i) Patio/seating area;
- (ii) Pedestrian plaza with benches;
- (iii) Window shopping walkway;
- (iv) Outdoor playground area; or
- (v) Water feature or clock tower.

**(6) Landscaping.** In addition to meeting the landscaping standards, all large-scale buildings shall provide the following landscaping, and it shall be the property owner's responsibility to ensure that the landscaping remains healthy and in good condition:

- (a) A landscaped buffer of at least 20 feet in width shall be provided along all property lines abutting roadways, with breaks for approved access points. A minimum of a five-foot wide landscape buffer shall be planted along all other property lines. No parking is permitted within these required landscape areas.
- (b) Landscaped areas shall be protected by raised curbs or fixed wheel stops approved by the Public Works Department. A variety of trees, shrubs, and flowers shall be incorporated into the landscaping.

**(7) Pedestrian Circulation.** Pedestrian accessibility opens auto-oriented developments to nearby neighborhoods, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for internal pedestrian circulation systems that will provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience.

- (a) Sidewalks no less than six feet in width shall be provided along the full length of the building, along any facade featuring a customer entrance, and along any facade abutting public parking areas. These sidewalks shall be located at least six feet from the front of the

building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

(b) Weather protection features such as awnings or arcades shall extend at least 20 feet from all customer entrances.

(8) **Parking Orientation.** In addition to the parking lot design standards, large-scale buildings shall comply with the additional regulations set forth in this subsection. Parking areas shall provide safe, convenient, and efficient access. They should be distributed around large-scale buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. When buildings are located closer to streets, pedestrian traffic is encouraged, and architectural details take on added importance. To achieve this, for any large-scale building, no more than twenty percent (20%) of the off-street parking areas for the entire property shall be located between the large-scale building(s) and an arterial street, unless other buildings located between the large-scale building and the arterial street extend along at least fifty percent (50%) of the frontage between the arterial and the large-scale building. [Ord. 933 § 8.4, 2019.]

**FINDING:** None of the proposed building exceed 30,000 square feet.

**SECTION 18.40.050 Residential development processing guide.**

The following table is intended as a summary of the processing procedures for various forms of residential development. Additional approvals (such as requirements for a master plan), or filing concurrent applications (such as a land division), may change the processing procedures reported in the summary table. In the event of any conflict between the summary table and any other provision of this code, the other provisions of this code will control.

**Table 18.40.050.**

Residential Type	Procedure Type	Zoning Review	Site Plan Review	Design Review
Single-Unit Dwellings	I	✓		
Accessory Dwellings	I	✓		
One to Four Units	I	✓		
Apartments	II		✓	✓
Townhomes	II		✓	
Cottage Clusters	II		✓	

[Ord. 968 § 2.6 (Exh. F), 2022.]



## Chapter [18.60](#): LAND DIVISIONS, REPLATS, AND PROPERTY LINE ADJUSTMENTS

### SECTION [18.60.010](#) Purpose.

In accordance with the provisions of ORS Chapters 92, 197, and 227, this chapter sets forth the minimum standards governing the approval of subdivisions, partitions, replats, and property line adjustments as necessary to carry out the City of Madras Comprehensive Plan and to promote the public health, safety, and general welfare while allowing for cost saving efficiencies. The purpose of these provisions and regulations is to:

- (1) Encourage well planned subdivision and partition development to promote the creation of livable neighborhoods with all needed amenities and community facilities.
- (2) Encourage development in harmony with the natural environment and within resource carrying capacities.
- (3) Safeguard the interests of the public, the applicant, and the future lot owner.
- (4) Improve land records and boundary monumentation.
- (5) Ensure equitable processing of land division applications and accomplish, to the greatest extent possible, the goals and objectives of the Comprehensive Plan.
- (6) Provide for orderly and efficient urban development and coordinate development with public facilities and service plans and capabilities.
- (7) To regulate the orientation of streets, lots, and parcels to ensure access to solar energy by reasonably regulating interests in property within the City, as authorized under ORS 227.090 through 227.190 and ORS 105.880 through 105.895, to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan policies relating to solar energy. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.1, 2019.]

### SECTION [18.60.020](#) Applicability.

Units of land shall only be created or reconfigured in conformance with the standards of this chapter and ORS Chapter [92](#). No person may subdivide, partition, or reconfigure land within the City of Madras except in accordance with ORS Chapter [92](#) and the provisions of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.2, 2019.]

**FINDING:** The applicant has proposed a subdivision and therefore the applicable provisions of MMC 18.60 apply to the proposed development.

### SECTION [18.60.030](#) Delegation.

The City Council, pursuant to ORS 92.044(2), hereby delegates to the Planning Commission the power to take final action on a proposed subdivision and any major replat involving fifty (50) or more lots pursuant to the Type III procedures and to the Community Development Director the power to take final action on any subdivision, partition, major replat, minor replat, or property line adjustment

involving fewer than fifty (50) lots pursuant to the Type II procedures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.3, 2019.]

**FINDING:** The proposal is being reviewed concurrent with the zone change through a Type III process.

**SECTION [18.60.040](#) Subdivision Committee**

**(1) There is hereby established a Subdivision Committee which shall consist of:**

- (a) Community Development Director;**
- (b) Public Works Director;**
- (c) County Surveyor; and**
- (d) Fire Marshal;**
- (e) Any other appropriate public agency representative invited by the Community Development Director.**

**(2) The Community Development Director shall serve as chairperson of the Subdivision Committee.**

**(3) The Subdivision Committee shall be charged with reviewing subdivision and major replat applications for conformance with all applicable regulations and to make recommendations to the Planning Commission. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.4, 2019.]**

**SECTION [18.60.050](#) Pre-application meeting.**

**Prior to submitting a tentative plan for a land division, each applicant or their representative is encouraged to meet with the Community Development Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.5, 2019.]**

**FINDING:** On July 13, 2023, the applicant attended a City of Madras pre-application meeting. City staff met with the applicant to discuss other development concepts on and November 20, 2023, and December 8, 2023. A pre-application meeting was held for the proposed development thereby satisfying this standard.

**SECTION [18.60.060](#) Application submission.**

**Any person, or his authorized agent or representative, proposing a subdivision, partition, or replat shall file an application and the filing fee for the applicable approval, along with a tentative plan, improvement plans, and other supplementary materials as may be required by this chapter or requested by the Subdivision Committee. If any concurrent approvals are sought, the applications for the concurrent approvals will collectively be processed using the highest level procedures for any particular application (i.e., Type II decisions sought concurrently with Type III decisions will be processed as Type III decisions) and shall also include all required information and materials for the applicable concurrent approval. The applicant must either provide electronic copies or submit four paper copies of all application materials to the Community Development Director. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.6, 2019.]**

**FINDING:** An authorized person submitted the appropriate land use application to the authority having jurisdiction (City of Madras) thereby satisfying the above stated standard. As noted above, the application seeks a concurrent zone change and plan amendment and is therefore being processed in accordance with Type III procedures.

**SECTION [18.60.070](#) General approval process for land divisions.**

Land divisions generally follow a two-step approval process. First, a tentative plan is submitted for approval. After receiving tentative plan approval, and after satisfying any conditions of approval from the tentative plan approval, the applicant then files for final plat approval. After receiving final plat approval and satisfying any additional conditions of approval and any requirements of the County, the applicant can then record the plat to perfect the land division. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.7, 2019.]

**FINDING:** MMC 18.60.070 is advisory in nature and is not an approval criterion.

**SECTION [18.60.080](#) Informational requirements for tentative plans.**

Unless waived by the Community Development Director, the following information shall be shown on a tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided:

**(1) General Information Required.**

- (a) The proposed name of the subdivision, if applicable.
- (b) Names, addresses, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Secretary of State by the applicant.
- (c) Date of preparation, north point, scale, and gross area of the subject property.
- (d) Appropriate identification of the drawing as a tentative plan for a subdivision, partition, or replat.
- (e) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
- (f) Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract that binds the applicant in the event of tentative plan approval.

**(2) Information Concerning Existing Conditions.**

- (a) Location, names, and widths of existing improved and unimproved streets and roads within and adjacent to the subject property.
- (b) Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.
- (c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, any natural features such as rock outcroppings, and natural hazards.
- (d) Location and direction of watercourses, and the location of areas subject to flooding.
- (e) Location, width, and use or purpose of any existing easement or right-of-way within and adjacent to the subject property.

- (f) Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the subject property together with pipe sizes, grades, and locations.
- (g) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five percent (5%) to fifteen percent (15%), 10 feet for slopes of fifteen percent (15%) to twenty percent (20%), and 20 feet for slopes greater than twenty percent (20%).
- (h) Zoning classification of land within and adjacent to the subject property.
- (i) Names and addresses of all adjoining property owners for a distance of 250 feet.

**(3) Information Concerning Proposed Development.**

- (a) Location, names, width, typical improvements, cross-sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.
- (b) Location, width, and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.
- (c) Location of at least one temporary benchmark within the subject property's boundaries.
- (d) Location, approximate area, and dimensions of each lot/parcel, and proposed lot/parcel and block numbers.
- (e) Location, approximate area, and dimensions of any lot/parcel or area proposed for public use, the use proposed, and plans for improvements or development thereof.
- (f) Proposed use, location, approximate area, and dimensions of any lot/parcel intended for nonresidential use.
- (g) An outline of the area proposed for partial recording, if contemplated or proposed.
- (h) Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.
- (i) Description and location of any proposed community facility.
- (j) Stormwater and other drainage facility plans.
- (k) Proposed deed restrictions, including access restrictions or protective covenants if such are proposed to be utilized for the proposed development.
- (l) Statement from each utility company proposed to serve the resulting lots/parcels stating that each company is able and willing to serve the proposed development as set forth in the tentative plan, and the conditions thereof.
- (m) Proposed fire protection system for the proposed development and written approval thereof by the appropriate serving fire protection agency.
- (n) If grading is proposed, a separate grading and drainage plan prepared by an engineer must be submitted that must show as-developed contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five to fifteen percent (5% to 15%), 10 feet for slopes of fifteen to twenty percent (15% to 20%), and 20 feet for slopes greater than twenty percent (20%).
- (o) An addressing plan for the development depicting proposed addresses and driveway locations for each proposed lot or parcel consistent with the requirements of Jefferson County Code Chapter 12.03.

**(4) Scale. All tentative plans shall be drawn on a sheet at a scale not greater than one inch per 400 feet. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.8, 2019.]**

**FINDING:** The materials submitted by the applicant provide the necessary information.

**SECTION [18.60.090](#) Block standards.**

To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

(1) New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Transportation System Plan and any applicable special area plan, refinement plan, master plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:

(2) Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets:

- (a) Six hundred sixty foot block length and 2,000-foot block perimeter in all residential zones;
- (b) Four hundred foot block length and 1,500-foot block perimeter in the C-2 Zone;
- (c) Six hundred sixty foot block length and 2,640-foot block perimeter for all other commercial, industrial and mixed-use zones;
- (d) An exception may be granted to the maximum block length and/or block perimeter by the decision maker if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the decision maker may require the land division or property reconfiguration to provide blocks divided by one or more access corridors. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.9, 2019.]

**FINDING:** As shown on Sheet C1.0, the subject property is 3.5 acres. There is one proposed street: NE Stone Oak Court. Because of existing development is not practical to extend NE Stone Oak Court through the property or to otherwise create compliant blocks. Similarly, pedestrian connections through the site are not feasible because there are not pedestrian facilities on abutting lands to connect to.

**SECTION [18.60.100](#) Lot standards.**

The size, width, and orientation of lots/parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the governing zoning district, subject to the following:

(1) Lot Sizes. Portions of a lot with slopes in excess of twenty percent (20%) will not be counted for purposes of meeting minimum lot sizes.

**FINDING:** Minimum lot sizes for the R-3 zone were addressed above. There are no slopes in excess of 20% on the site.

(2) Frontage. Each lot shall satisfy applicable frontage requirements established by MDC [18.20.040](#).

**FINDING:** The findings of compliance with MMC 18.20.040 are incorporated hereinto by reference to demonstrate compliance with this standard.

**(3) All side lot lines shall be at right angles to street lines or radial to curved streets. The decision maker may grant an exception where topography, watercourses, existing streets, infrastructure, and other development preclude such lot lines.**

**FINDING:** As shown on plans submitted by the applicant, all side lot lines intersect the right-of-way at or near a right angle other than the lot proposed for the apartments, where it is not practical to meet this standard because of the irregular shape of the parent property.

**(4) Through Lots. Lots that span an entire block should be avoided except where they are essential to provide separation of residential development from major streets or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. The decision maker may require landscaping buffers or access restrictions as a condition of approval for any through lot.**

**FINDING:** As shown on plans submitted by the applicant, the proposed subdivision does not include through lots and therefore the above stated standard does not apply.

**(5) Solar Access. The lines of lots and parcels must be oriented such that the long axis is in the east-west direction. The decision maker may grant a waiver, where topography, natural features, existing development or other barriers inhibit required orientation. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.10, 2019.]**

**FINDING:** The longer lot lines for Lot 1-3 of the proposed lots run east to west. Lot 4 is irregularly configured but meets this standard to extent practical as the westerly property line runs longer than either north or south property lines only to create a buffer between Lot 1-3 and adjacent development to the west.

**SECTION [18.60.110](#) Zero-lot line subdivision.**

**In addition to the general provisions for land divisions set forth in this chapter, any application for a zero-lot line subdivision shall meet the following requirements:**

**(1) The tentative plan shall indicate all lot divisions, including those along the common wall of dwelling units.**

**(2) Independent utility service shall be provided to each unit including, but not limited to, water, electricity, and natural gas, unless common utilities are approved by the affected utility agency and are adequately covered by easements.**

**(3) Prior to the granting of final approval for creation of a zero-lot line subdivision, the Community Development Director shall require the applicant to enter into a written agreement, in a form approved by the City Attorney, that establishes the rights, responsibilities and liabilities of the parties with respect to maintenance and use of any common areas of the subdivision such as, but not limited to, common walls, roofing, water pipes, and electrical wiring. Such agreement shall be in a form suitable for recording, and shall be binding upon the heirs, executors, administrators, and assigns of the parties.**

(4) Each zero-lot line subdivision proposal shall receive approval by the Subdivision Committee prior to submission of the final plat. Site plan approval shall be granted only upon a finding that the design, materials, and colors proposed for each dwelling are harmonious and do not detract from the general appearance of the neighborhood. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.11, 2019.]

**FINDING:** A zero-lot line subdivision is not proposed. This standard does not apply.

**SECTION [18.60.120](#) Approval process for tentative plan for subdivision or major plat**

(1) The Subdivision Committee shall make its recommendation concerning the tentative plan for a subdivision or major replat to the applicant and Planning Commission prior to the public hearing before the Planning Commission.

(2) The Planning Commission shall review the tentative plan and all reports and recommendations of appropriate officials and agencies.

(3) The Planning Commission may approve, approve with conditions, or deny the tentative plan for the proposed development and shall set forth findings for such decision.

(4) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or major replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or major replat and the terms of this chapter. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.12, 2019.]

**SECTION [18.60.130](#) Approval process for tentative plan for partition or minor replat.**

(1) The Community Development Director shall process the application under a Type II process and shall review all reports and recommendations of appropriate officials and agencies.

(2) The Community Development Director may approve, modify, or deny the tentative plan for the proposed development and shall set forth findings for such decision.

(3) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed partition or minor replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed partition or minor replat and the terms of this chapter. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.13, 2019.]

**FINDING:** Per MMC 18.60.030, the proposed tentative plan will be reviewed using the Type III procedures which is directly consistent with the above stated standards. Conditions of approval for the tentative plan are set out below.

**SECTION [18.60.140](#) Approval criteria for a tentative plan.**

**The Planning Commission shall not approve a tentative plan for a proposed subdivision or major replat, and the Community Development Director shall not approve a tentative plan for a proposed partition or minor replat, unless the applicable review body finds that the proposal satisfies the requirements of the Development Code, the design and construction standards and the following:**

**(1) For development other than needed housing, the proposed development contributes to orderly development and land use patterns in the area and provides for the preservation of natural features and resources of the area.**

**FINDING:** To the extent applicable, the proposal is a reasonable proposal to develop an irregular shaped parcel and provides for preservation of some natural vegetation. There are no inventoried natural features or resources on the subject property or in the vicinity of the subject property.

**(2) All required public facilities have adequate capacity, as determined by the City, to serve the proposed land division including, without limitation, the transportation, sewer, stormwater, and water systems.**

**FINDING:** Based on the Public Works Director's Memorandum dated October 10, 2023, for the proposed development, there is adequate capacity to serve the proposed 4-lot subdivision.

**(3) The tentative plan for the proposed development meets the applicable requirements of [ORS 92.090](#).**

**FINDING:** ORS 92.090 is largely implemented through the Madras Development Code. The final plat is further required to comply with ORS 92.090, which shall be a condition of final plat approval.

**CONDITION OF APPROVAL:** The applicant shall prepare a final plat that complies with ORS 92.090 and MMC 18.60.170 through 18.60.240.

**(4) The tentative plan meets the applicable provisions of this chapter.**

**FINDING:** The findings of compliance with MMC 18.60 are herein by reference incorporated to demonstrate compliance with this standard.

**(5) The tentative plan satisfies the Public Improvement Standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.14, 2019.]**



**FINDING:** The Public Improvement Standards were addressed above.

**SECTION [18.60.150](#) Submission of final plat.**

**(1) Filing Time Period Requirements.** The applicant shall prepare and submit to the Community Development Department a final plat that is in conformance with the approved tentative plan. Within three years after the approval date for the tentative plan, the applicant shall submit the final plat, filing fee, and any supplementary information required by this Development Code and the decision maker. If the applicant fails to proceed with the submission of the final plat before the expiration of the three-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.

**FINDING:** The above standard applies to the proposed tentative plan. The applicant shall file a final plat for the proposed development in a manner consistent with MMC 18.60.170 through 18.60.240.

**(2) Extensions.**

**(a)** If the applicant is unable to comply with the filing time requirements of the Development Code, the applicant may submit a written letter to the Community Development Director requesting an extension of the final plat deadline. The letter shall be filed no earlier than sixty (60) days and no later than ten (10) days prior to the date the three-year period expires. It shall also be accompanied by the appropriate fee.

**(b)** If there is good cause, the Community Development Director may grant an extension up to six months from the date of expiration. Good cause shall require a showing by the applicant that the delay is unavoidable and was not the result of the applicant's own negligence. The applicant must also show they have made significant progress on each condition of the tentative plan.

**(c)** Any extension granted by the Community Development Director may be conditioned by a requirement that the applicant provide appropriate guarantees that the requirements of the Development Code will be met.

**(d)** The applicant may appeal a decision of the Community Development Director to the Planning Commission pursuant to MDC [18.80.240](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.15, 2019.]

**FINDING:** The above stated provisions are not approval criteria, but outline the requirements for an extension of the subdivision approval.

**SECTION [18.60.160](#) Submission of final plats for phased development.**

**(1)** If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within one year of the approval date for the tentative plan.

**(2)** The final plats for any subsequent phase shall be filed within three years of the approved date for the tentative plan.

**(3)** The applicant may request an extension for any final plat under this section in the manner provided for in MDC [18.80.280](#).

**(4) If the applicant fails to file a final plat within the specified time period, the tentative plan approval for those phases shall become null and void. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.16, 2019.]**

**FINDING:** The above stated standards are not approval criteria rather are informational in nature. No phased development is proposed.

**SECTION [18.60.170](#) Form of final plat.**

**(1) The final plat shall be submitted in the form prescribed by state statute and this Development Code.**

**(2) All plats and other writings or dedications made a part of such plats offered for recording, shall be made in black India ink, upon material that is 18 inches by 24 inches, suitable for binding and copying, having such characteristics of strength and permanency as may be required by the City. The plat shall be of such a scale, and the indication of the approvals thereof and of the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but a fact sheet and an index page shall be included for plats of two or more sheets. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.17, 2019.]**

**FINDING:** The applicant shall submit plat(s) in a manner consistent with MMC 18.60.170 through .240

**SECTION [18.60.180](#) Information on final plat.**

**(1) General Requirements. In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the final plat:**

- (a) The name of the subdivision, partition, or replat.**
- (b) The name of the owner, applicant, and engineer or surveyor.**
- (c) The date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.**
- (d) A legal description of the tract boundaries.**
- (e) Reference points of existing surveys, identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:**
  - (i) Stakes, monuments, or other evidences found on the ground and used to determine the boundaries of the development.**
  - (ii) Adjoining corners of adjoining developments.**
  - (iii) Other monuments found or established in making the survey or required to be installed by provisions of this Development Code.**
- (f) The exact location and width of streets and easements intercepting the boundary of the tract.**
- (g) Tract, block, and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearing or deflecting angles, radii, arcs, points of curvature, and tangent bearings. Normal high-water lines for any creek, bay, or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.**

**(2) Streets.** The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

**(3) Easements.** Easements shall be noted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not on record, a statement of the easement shall be given. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the development shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

**(4) Lot Numbers.** Lot numbers beginning with the number "1" and numbered consecutively in each block.

**(5) Block Numbers.** For subdivisions and major replats, block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the development. The numbers shall be placed so as not to obliterate any figures. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

**(6) Public Lands.** Public lands, including strips and easements, shall be clearly marked to distinguish them from lots intended for sale.

**(7) Access Restrictions.** Limitations on rights of access to and from streets, lots/parcels, and other parcels of land shall be clearly indicated.

**(8) Area.** The area of each lot/parcel, if larger than one acre, to the nearest hundredth (1/100 or 0.01) of an acre; and the area of each lot/parcel less than one acre, to the nearest square foot.

**(9) Certificates and Signatures.** The following certificates and signatures are required and shall be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the final plat.

(b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants, and servants.

(c) A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

(d) A certificate for execution by the County Surveyor. Any plat prepared by the County Surveyor in his private capacity shall be approved by the county surveyor of another county in accordance with [ORS 92.100\(2\)](#) and [\(3\)](#).

(e) A certificate for execution by the County Assessor.

(f) A certificate for execution by the County Tax Collector.

(g) A certificate for execution by the irrigation district, where applicable. All plans, plats, or replats of subdivisions or partitions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be indicated thereon by the board before City approval of such plan, plat, or replat of any subdivision or partition. Except that if the applicant is unable to obtain action or approval of any district or company within forty-five (45) days, the applicant shall notify the manager or

administrator in writing and thereafter the City shall serve notice on that district or company that any objections to the plan, plat, or replat must be filed in writing with the City within twenty (20) days. Failure of the district or company to respond shall be considered an approval of such plan, plat, or replat.

(h) The signature of the Public Works Director.

(i) The signature of the Community Development Director.

(j) A signature of approval by the City Council.

(k) Other certificates required by state regulations. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.18, 2019.]

**FINDING:** The applicant shall submit plat(s) in a manner consistent with MMC 18.60.170 and MMC 18.60.180.

**SECTION [18.60.190](#) Requirements of survey and monumentation.**

Any final plat submitted shall meet the survey and monumentation requirements of ORS Chapter [92](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.19, 2019.]

**SECTION [18.60.200](#) Supplemental information with final plat.**

The following data, if applicable, shall accompany the final plat:

(1) **Title Report.** A preliminary title report or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.

(2) **Survey Data Sheets.** Sheets and drawings shall contain the following information:

(a) Traverse data including the coordinates of the boundary of the development and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

(b) The computation of distances, angles, and courses shown on the plat.

(c) Ties to existing monuments, proposed monuments, adjacent developments, street corners, and state highway stationing.

(3) **Deed Restrictions.** A copy of any deed restrictions applicable to the development.

(4) **Homeowner's Association.** If applicable, a copy of any homeowner's association agreement proposed or required for the development.

(5) **Dedications.** A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.

(6) **Taxes.** A list of all taxes and assessments on the tract which have become a lien on the land subdivided.

(7) **Improvements.** If grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:

(a) An improvement plan in accordance with MDC [18.20.100\(3\)](#).

(b) Plans and profiles of sanitary sewers, location of manholes, and drainage system.

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- (c) Plans and profiles of the water distribution system showing pipe sizes and location of valves and fire hydrants.
- (d) Specifications for the construction of all utilities.
- (e) Grading plans and specifications as required for areas other than streets and ways.
- (f) Planting plans and specifications for street trees and other plantings in public areas.
- (g) Plans for improvements, design factors, or other provisions for fire protection or fire hazard reduction. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.20, 2019.]

**SECTION [18.60.210](#) Technical review of final plat.**

**(1) Compliance Check.** Upon receipt by the Community Development Department, the final plat and other data shall be reviewed by the Subdivision Committee or Community Development Director, as applicable, to determine that the development, as shown, is substantially the same as it appeared on the approved tentative plan, and for compliance with provisions of this Development Code and other applicable laws.

**(2) Field Check.** The Public Works Director, the Community Development Director, and the County Surveyor, may make such checks in the field as are desirable to verify that the plat is sufficiently correct. The applicant shall grant permission to the Public Works Director, Community Development Director, or County Surveyor to enter the property for this purpose. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.21, 2019.]

**FINDING:** The applicant shall submit plat(s) in a manner consistent with MMC 18.60.190 through MMC 18.60.210.

**SECTION [18.60.220](#) Conditions of final plat approval.**

**(1) The Subdivision Committee or Community Development Director, as applicable, shall determine whether the final plat conforms with the approved tentative plan and these regulations. If the applicable review body does not approve the final plat, it shall advise the applicant of the changes or additions that must be made and shall afford them an opportunity to make corrections. If the applicable review body determines that the plat conforms to all requirements, it shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval of the final plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat, nor does such approval bind any other jurisdiction with review authority over the plat.**

**(2) No final plat shall be approved unless:**

- (a) Streets and roads for public use are to be dedicated without any reservation or restriction.**
- (b) Streets and roads held for private use as indicated on the tentative plan for such development have been approved by the City Public Works Director.**
- (c) The plat or map contains provisions for dedication to the public of all public improvements, including, but not limited to, streets, roads, parks, and sewage disposal and water supply systems, if made a condition of the approval of the tentative plan.**
- (d) Explanations of all public improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat or map.**

**(3) No plat shall be approved unless the developer has either constructed, and had accepted by the City Public Works Director, the required public improvements, or the developer has executed an improvement agreement acceptable to the City. If the developer chooses to construct the improvements, the developer shall all also file with the City a warranty bond executed by a surety company to cover the one-year warranty period following acceptance by the City. Said bond shall be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.22, 2019.]**

**SECTION [18.60.230](#) Final signatures.**

**After the final plat has been checked and approved as provided in this chapter, and all signatures have been obtained, except for those of the Community Development Director and any signatures required from County officials, the Community Development Director shall certify the final plat and submit it to the County for final signatures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.23, 2019.]**

**FINDING:** The City will not sign the subdivision plat(s) unless the requirements of MMC 18.60.220 and MMC 18.60.230 are met.

**SECTION [18.60.240](#) Recording of final plat.**

**(1) No plat shall have any force or effect until the same has been duly executed and recorded. No title to any property described in any offer of dedication shall pass until the final plat has been recorded.**

**(2) No plat shall be recorded unless all ad valorem taxes and all special assessment fees or other charges required by law to be placed upon the tax roll, which have become a lien upon the development or which will become a lien during the calendar year, have been paid.**

**(3) The applicant shall provide exact copies of the recorded plat to the Community Development Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.24, 2019.]**

**SECTION [18.60.250](#) Errors in the final plat.**

**If an error in the final plat is discovered after the plat has been filed with the County Clerk, the error shall be corrected by filing a correction plat, which shall be submitted in the same manner as a final plat. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.25, 2019.]**

**FINDING:** The City will not sign the subdivision plat(s) unless the requirements of MMC 18.60.240 through MMC 18.60.250 are met.

**SECTION [18.60.260](#) Property line adjustments.**

**(1) General.** A property line adjustment is the movement or elimination of a common boundary line between two units of land.

- (a) No more than one common boundary line can be relocated at one time. Additional property line adjustments each require a separate application.**
- (b) Deeds describing the new boundary lines for the affected units of land shall be recorded with the County Clerk's office before another property line adjustment application involving one of the affected units of land can be submitted.**
- (c) Property line adjustments are a land use decision and shall follow the noticing requirements of Chapter 18.80 MDC.**

**(2) Review Criteria.** The property line adjustment may be approved only if the reviewing authority shall find that it satisfies the following criteria:

- (a) The proposed property line adjustment is in conformance with applicable provisions of ORS Chapter 92.**
- (b) The proposed property line adjustment will not conflict with legally established easements or access within or adjacent to the proposed property line adjustment.**
- (c) The resulting lots comply with applicable regulations of the zoning district in which they are located. A property line adjustment for a nonconforming lot may be approved; provided, that the property line adjustment does not exacerbate the nonconformity.**
- (d) A property line adjustment shall not cause existing structures to straddle the new line or otherwise violate applicable setbacks.**
- (e) For lot consolidations, the applicant agrees to remove excess utility connections such that the consolidated lot will only have a single service for water and sewer and will otherwise comply with service requirements from other utility providers.**

**(3) The property line adjustment application shall meet the following requirements:**

- (a) Drawn to scale (example: one inch to 100 feet);**
- (b) Show the existing boundary line as a solid line and the proposed movement of the boundary line as a dashed line;**
- (c) Show sizes of the units of land involved (current and after adjustment);**
- (d) Show location of existing structures, access, and utilities; and**
- (e) Show the township, range, section, and tax lot numbers of the two tax lots involved.**

**(4) The applicant shall contact the County Surveyor for surveying requirements once the property line adjustment has been approved by the Community Development Director.**

**(5) Appeals of a property line adjustment decision shall follow MDC 18.80.240. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.26, 2019.]**

**FINDING:** The applicant has not proposed property line adjustment. This standard does not apply.

**SECTION [18.60.270](#) Flag lots.**

**(1) Eligibility for Flag Lots.** Flag lots may only be created if the Public Works Director determines that it is impractical to extend a street (including, without limitation, a cul-de-sac) to the flag portion of a proposed flag lot development.

**(2) Development Standards.** In addition to meeting all other applicable criteria, flag lots must comply with the following standards:

(a) The minimum lot frontage and minimum width for the pole of a flag lot is 15 feet. The minimum frontage and minimum width for the front lot is the otherwise applicable minimum less 10 feet. Any pole exceeding 150 feet will have to meet all applicable fire code requirements.

(b) When a shared driveway serves two or more properties, the shared driveway width must be a minimum of 20 feet. A shared driveway must be employed if the parent parcel has less than 100 feet of street frontage (or less than 80 feet of frontage if on a cul-de-sac) or for any proposed flag lot on a collector or arterial. The maximum number of properties utilizing a shared driveway is four. Any shared driveway must have a reciprocal access and maintenance easement acceptable to City recorded for all properties utilizing the shared driveway prior to or current with platting.

(c) Except for the minimum requirements for the pole stated above, minimum lot widths and depths, if any, are measured on the flag portion of a flag lot.

(d) The flag portion of a flag lot must meet the applicable minimum lot sizes without considering the area of the pole portion of the flag lot.

(e) The front setback does not apply to the flag portion of the flag lot. The lot lines in the flag portion of a flag lot are side lot lines except for the rear lot line, which is a rear lot line.

(f) Except as otherwise provided in this subsection, the front lot must meet all applicable requirements for creation of a lot in the applicable zone.

(g) Flag lots and front lots are not eligible for any variances from dimensional requirements.

**FINDING:** Per plans submitted by the applicant, no flag lots are proposed. This standard does not apply.



## Chapter [18.75](#): AMENDMENTS

### SECTION [18.75.010](#) Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Development Code, the Comprehensive Plan and map, and the Zoning Map. These will be referred to as “map and text amendments.” Map and text amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. Map and text amendments may be proposed by the City Council, Planning Commission, the Community Development Director, or any other person. [Ord. 933 § 15.1, 2019.]

### SECTION [18.75.020](#) Legislative amendments.

(1) **Applicability, Procedure, and Authority.** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the Comprehensive Plan and map, Development Code, and Zoning Map which are not directed at a small number of properties. They are reviewed using the Type IV procedure.

(2) **Criteria for Legislative Amendments.** The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a legislative amendment shall be based on all of the following criteria:

- (a) The request is consistent with the applicable state land use law;
  - (b) The request is consistent with the applicable Comprehensive Plan goals and policies; and
  - (c) The applicant can demonstrate a public need or benefit for the proposed amendment.
- [Ord. 933 § 15.2, 2019.]

### SECTION [18.75.030](#) Quasi-judicial amendments.

(1) **Applicability, Procedure and Authority.** Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure using the standards of approval in subsection (2) and/or (3) of this section, as applicable. Based on the applicant’s ability to satisfy the approval criteria, the application may be approved, approved with conditions, or denied.

(2) **Criteria for Quasi-Judicial Comprehensive Plan Map Amendments.** The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

- (a) Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Community Development Director;
- (b) Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Community Development Director;

**FINDING:** Applicant is proposing a quasi-judicial plan amendment and zone change because the applicant is request that the comprehensive plan designation and zoning of a specific property be changed from R-1 to R-3.

Compliance with statewide land use goals and comprehensive plan policies was addressed above.

**(c) The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;**

**FINDING:** Based on materials provided by the applicant, the site has utilities along the NE Oak Street frontage, including City of Madras sewer, Deschutes Valley Water district water, Pacific Power and Cascade Natural Gas. The applicant provided will serve letter for utility companies. The Public Works Director has not otherwise identified any inability to serve the subject property with public utilities.

**(d) Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map regarding the property that is the subject of the application; and**

**FINDING:** Based on the narrative provided by the applicant, the Plan Map Amendment and Zone Change are proposed to provide better use of an infill site that is located in close proximity to public facilities and adjacent to other multi-family developments and R3 Zoning (Morning Crest Estates Subdivision). Since the time this site was designated R1 Zoning, St. Charles Madras has expanded their campus on the other side of Oak Street by 26,000 square feet and the Jefferson County Health Department was constructed next to it. As this campus continues to expand, it will benefit from the addition of housing units and amenities that are consistent with the surrounding development and provide residence options for prospective employees.

**(e) Approval of the request is consistent with the provisions of the Transportation Planning Rule.**

**FINDING:** The applicant provided a Traffic Impact Analysis and Transportation Planning Rule (TPR) analysis done by a licensed Professional Engineer. The findings of the TIA and TPR Analysis included herein in this decision. In short the TPR requires analysis of a reasonable worst case development scenario under the existing and proposed zoning with any differential in trip generation between the two scenarios be evaluated for whether such additional transportation volume will significantly impact an existing or planned transportation improvement (i.e. cause an intersection to fail to meet City performance standards). While the proposed plan amendment and zone change will allow for greater trip generation than the existing plan designation and zoning, the TPR analysis determined, and Staff concurs, that the additional volume does not significantly impact any existing or planned transportation facility.

**(3) Criteria for Quasi-Judicial Zone Changes. The applicant must submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial zone change must be based on meeting the following criteria:**

**(a) The amendment will bring the Zoning Map into conformance with the Comprehensive Plan map;**

**FINDING:** The proposed zone change is submitted concurrently with a Comprehensive Plan map amendment, so that, when approved together, the zone change will bring the zone map into conformance with the Comprehensive Plan through a single process.

**(b) The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property; and**

**FINDING:** Based on materials provided by the applicant, the site has utilities along the NE Oak Street frontage, including City of Madras sewer, Deschutes Valley Water district water, Pacific Power and Cascade Natural Gas. The applicant provided will serve letter for utility companies. The Public Works Director has not otherwise identified any inability to serve the subject property with public utilities.

**(c) Approval of the request is consistent with the provisions of the Transportation Planning Rule. [Ord. 933 § 15.3, 2019.]**

**FINDING:** The applicant provided a Traffic Impact Analysis and Transportation Planning Rule Analysis done by a licensed Professional Engineer. The findings of the TIA and TPR Analysis are in Section 18.25.180 of this recommended findings and the complete study is included with this decision.

**SECTION [18.75.040](#) Record of amendments.**

**The Community Development Department and the City Recorder shall maintain records of map and text amendments to the ordinance. [Ord. 933 § 15.4, 2019.]**

**SECTION [18.75.050](#) Limitation on reapplication.**

**No application of a property owner for a rezone shall be considered by the Planning Commission within a one-year period immediately following a previous denial of such request. [Ord. 933 § 15.5, 2019.]**

**SECTION [18.75.060](#) Notification of decision.**

**Within five working days after a final decision on an amendment to the Comprehensive Plan and map, Development Code, or Zoning Map, the Community Development Department shall provide the applicant and the Oregon Department of Land Conservation and Development a complete copy of the City Council decision, and shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS 197.615. [Ord. 933 § 15.6, 2019.]**

**Chapter [18.80](#): ADMINISTRATIVE PROVISIONS**

**SECTION [18.80.010](#) Pre-application conference.**

Unless the application is filed by the City, a pre-application conference is required for all Type III and Type IV applicants. Pre-application conferences are also highly recommended for complex applications and for applicants who are unfamiliar with the land use process. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Development Code and to identify issues likely to arise in processing an application. [Ord. 933 § 16.1, 2019.]

**FINDING:** On July 13, 2023, the applicant attended a City of Madras pre-application meeting. City staff met with the applicant to discuss other development concepts on and November 20, 2023, and December 8, 2023.

**SECTION [18.80.020](#) Applications.**

No land use approval or planning review shall be processed unless the applicant submits a complete application.

**(1) All applications shall:**

- (a) Be submitted by the property owner or a person who has written authorization from the property owner to make the application;**
- (b) Be completed on the applicable form prescribed by the City;**
- (c) Include supporting information required by this Development Code and any other information necessary to, in the judgment of the Community Development Director, demonstrate compliance with applicable standards;**
- (d) Be accompanied by the appropriate application fee, and any applicable public hearing fee, established by the City from time to time; and**
- (e) Provide proof of ownership in the form of a deed or other recorded document; except this requirement shall not apply to:
  - (i) Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or**
  - (ii) Applications for development proposals sited on lands owned by the state or the federal government.****

**(2) For purposes of this Development Code, a complete application refers to an application submitted in conformance with this section and any other requirements of the particular application set forth in this Development Code. An application is not complete unless, in the judgment of the Community Development Director, the application contains sufficient information to address all applicable standards. Acceptance of an application as complete shall not preclude a determination at a later date that additional applicable standards need to be addressed or a later determination that additional information is needed to adequately address applicable standards. [Ord. 933 § 16.2, 2019.]**

**FINDING:** The applicant submitted all of the information stated above.

**SECTION [18.80.030](#) Modification of application.**

(1) Subject to this section, an applicant may modify an application at any time during the approval process up until the issuance of an administrative decision or the close of the record for an application requiring a public hearing.

(2) The decision maker shall not consider any evidence submitted by or on behalf of an applicant that would constitute a modification of application unless the applicant submits a complete application for a modification and agrees in writing to restart the applicable review period as of the date the modification is submitted.

(3) A modification of application that constitutes a new proposal shall not be permitted as a modification, but shall instead require the filing of a new application.

(4) For Type III decisions, the decision maker may require that the modified application be noticed and additional hearings be held.

(5) Up until the issuance of an administrative decision or the day a public hearing is opened for receipt of oral testimony, the Community Development Director shall have sole authority to determine whether an applicant's submittal requires an application for modification of application or requires submittal of a new application. After such time, the higher decision maker shall make such determinations. The decision maker's determination shall be appealable only to the Oregon Land Use Board of Appeals (LUBA) and shall be appealable only after a final decision is entered by the City on the underlying application. [Ord. 933 § 16.3, 2019.]

**SECTION [18.80.040](#)      Withdrawal of application.**

An applicant may withdraw an application in writing at any time prior to the time a decision becomes final. If the property owner is not the applicant, no consent to withdraw the application is needed from the property owner. If withdrawn, the City may refund the application fee in an amount determined by the Community Development Director based on the amount of time spent by the City processing the application prior to the withdrawal. [Ord. 933 § 16.4, 2019.]

**SECTION [18.80.050](#)      Burden of proof.**

The burden of proof to demonstrate compliance with the applicable standards is upon the applicant for all land use approvals and planning reviews. [Ord. 933 § 16.5, 2019.]

**SECTION [18.80.060](#)      Applicable standards.**

The standards and criteria applicable to an application shall be the standards and criteria applicable at the time the application was first submitted. [Ord. 933 § 16.6, 2019.]

**FINDING:** The applicant submitted a burden proof statement based on what they believed to be the approval criteria.

**SECTION [18.80.070](#) Final action.**

The City shall take final action on all applications in accordance with the time limitations set forth in ORS [227.178](#) as the same may be amended from time to time. [Ord. 933 § 16.7, 2019.]

**FINDING:** The applicant submitted the application on September 15, 2023, and the City deemed the application on complete on November 6, 2023. As identified on page 1 of this land use decision has been rendered in accordance with ORD 227.178.

**SECTION [18.80.080](#) Time computation.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday, or any day on which the City is not open for business pursuant to a City ordinance, in which case it shall also be excluded. [Ord. 933 § 16.8, 2019.]

**SECTION [18.80.090](#) Classification of decisions.**

All land use approvals and planning reviews shall be processed based on the decision classification hierarchy set forth below. Except where the classification is expressly prescribed in this Development Code, the Community Development Director shall have discretion as to how a particular application, request, or review shall be classified and which review procedures will be used, which shall not be an appealable decision.

**(1) Type I Decisions.**

- (a) A Type I decision may be handled administratively by the Community Development Director without public notice or hearing because a Type I decision is neither a land use decision nor a limited land use decision under ORS 197.015.
- (b) The Community Development Director has discretion to elevate a Type I decision to a Type II procedure but must elevate a Type I decision to a Type II procedure when there is a need to interpret this Development Code or any other applicable standard, exercise policy or legal judgment, or apply discretionary land use standards.
- (c) Type I decisions are not subject to appeals.

**(2) Type II Decisions.**

- (a) Type II decisions are made by the Community Development Director following public notice and an opportunity for parties to comment, but without a public hearing.
- (b) Applications for a partition, site plan approval, minor variance, and such other applications as prescribed by this Development Code shall be processed as Type II decisions.
- (c) The Community Development Director has discretion to elevate an application for a Type II decision to a Type III decision.
- (d) If appealed, Type II decisions are reviewed by the Planning Commission and the Planning Commission's decision may be appealed to the City Council subject to the City Council's discretion to hear the appeal.

**(3) Type III Decisions.**

- (a) Type III decisions are made by the Planning Commission after a public hearing

following quasi-judicial hearings procedures set forth in this chapter.

(b) Applications for a subdivision, planned unit development, conditional use, major variance, quasi-judicial zone change, master development plan, and such other applications as prescribed by this Development Code shall be processed as Type III decisions.

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(c) If appealed, Type III decisions may be appealed.

**(4) Type IV Decisions.**

(a) Type IV decisions are legislative decisions made by the City Council after public notice and a public hearing before the City Council, which is preceded by a public hearing before, and a recommendation from, the Planning Commission. Legislative applications generally involve broad public policy decisions that apply to other than an individual property. Type IV decisions can also include quasi-judicial decisions made directly by the City Council, as specified in this Development Code, after public notice and a public hearing.

(b) All changes to the text of the Comprehensive Plan and Development Code, as well as legislative amendments to the City's Comprehensive Plan map and Zoning Map shall be processed as Type IV decisions. Notice of Type IV map and text amendments shall also be submitted to the Oregon Department of Land Conservation and Development in accordance with state law.

(c) Type IV decisions are appealable to the Oregon Land Use Board of Appeals in accordance with state law.

**(5) Additional or alternative procedures for specific applications may be set forth in this Development Code. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 16.9, 2019.]**

**FINDING:** Staff determined a Zone Change application shall be reviewed and processed as a type III application. The subdivision and site plan applications are a Type II decision; however, the Community Development director elevated the subdivision and site plan decision from a Type II decision to a Type II decision.

**SECTION [18.80.100](#) Hearings officers.**

The City Council may appoint a special Hearings Officer to review an application or appeal in place of the Planning Commission or City Council. [Ord. 933 § 16.10, 2019.]

**SECTION [18.80.110](#) Notice of application.**

(1) No notice is required for the receipt of an application for a Type I decision.

(2) Notice of an application for a Type II decision shall be mailed within ten (10) days after City's acceptance of a complete application. Written notice shall also be mailed to the following persons:

(a) The applicant.

(b) Unless specified elsewhere in this Development Code, to all owners of property within a distance of 250 feet of the subject property at the owner's address of record with the Jefferson County Tax Assessor.

(c) Affected public agencies, including the following:

(i) Division of State Lands. The City shall notify the Oregon Division of State Lands (DSL) of any application that involves lands that are wholly or partially within areas

that are identified as wetlands. Notice shall be in writing using the DSL Wetland Land Use Notification form and shall be sent within five working days of acceptance of a complete application (ORS [227.350](#)).

(ii) Department of Fish and Wildlife. The City shall notify the Oregon Department of Fish and Wildlife (ODFW) in writing of any application for development activities within the riparian corridor. A mitigation recommendation shall be obtained from ODFW. Approval of the proposed development shall include a condition requiring compliance with the ODFW mitigation recommendations (OAR [635-415](#)).

(iii) Other Agencies. The City shall notify other public agencies, as appropriate, that have statutory or administrative rule authority to review or issue state permits associated with local development applications.

(3) Notice of Type III decisions shall be the same as that required of Type II decisions except that the Community Development Director shall set the date of the initial public hearing and a notice of the public hearing shall be published in a newspaper of general circulation within the City no less than twenty (20) days and no more than forty (40) days prior to the public hearing.

(4) Notice of a Type IV decision shall be published in a newspaper of general circulation within the City no less than twenty (20) days and no more than forty (40) days prior to each public hearing and, if applicable, any notice required by ORS 227.186 shall be provided. The Community Development Director shall set the date of the public hearing before each required decision maker.

(5) The failure of a party to receive actual notice shall not invalidate any proceeding or any decision issued pursuant to this Development Code.

(6) Notwithstanding the provisions of this section, where other provisions of this Development Code specify procedures with greater opportunity for public notice and comment, those procedures shall apply. [Ord. 933 § 16.11, 2019.

**FINDING:** Notice was sent by staff to adjacent property owners on November 8, 2023 (re-noticed on January 19, 2024), and to the Development Team on November 8, 2023 (re-noticed on January 19, 2024). Notice was published in the Madras Pioneer on December 20, 2023, 28 days prior to the scheduled January 17, 2024, Planning Commission meeting and on January 17, 2024, 27 days prior to the scheduled February 13, 2024, City Council meeting. A re-notice was published in the Madras Pioneer on January 24, 2024, 28 days prior to the scheduled February 21, 2024, Planning Commission meeting and on February 14, 2024, 27 days prior to the scheduled March 12, 2024, City Council meeting

**SECTION [18.80.120](#) Contents of public notice.**

(1) All required public notices shall provide a brief description of the applicant's request, a list of applicable standards, the location of the property, the date, time, and place of the public hearing (if applicable), and instructions on obtaining copies of the application and providing written comment.

(2) All notices for public hearings shall also contain a statement that recipients may request a copy of the staff report.



**FINDING:** Per MMC 18.60.030, this land use decision has been processed in accordance with the Type III procedures. The City sent notice to the Development Team (agencies) and to the adjacent property owners within 250 ft. on November 8, 2023.

**SECTION [18.80.130](#) Public hearing procedure.**

- (1) A public hearing shall be conducted in the following order:**
  - (a) The decision maker shall explain the purpose of the public hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.**
  - (b) A statement by the decision maker regarding pre-hearing contacts, bias, prejudice, or personal interest shall be made.**
  - (c) Any evidence received outside of the hearing shall be stated in the record.**
  - (d) Challenges to the decision maker's qualifications to hear the matter must be stated.**
  - (e) Order of presentation:**
    - (i) Staff report.**
    - (ii) Proponent's presentation.**
    - (iii) Opponent's presentation.**
    - (iv) Interested parties.**
    - (v) Proponent's rebuttal.**
    - (vi) Staff comments.**
    - (vii) Questions from or to the decision maker may be entertained at any time at the decision maker's discretion. [Ord. 933 § 16.13, 2019.]**

**FINDING:** A hearing following the procedures set forth in MDC 18.80.130 has been scheduled as part of the regular December 6, 2023, Planning Commission meeting.

**SECTION [18.80.140](#) Filing of staff report for public hearing.**

- (1) A staff report shall be completed at least seven days prior to the public hearing.**
- (2) A copy of the staff report shall be filed with the decision maker, mailed to the applicant, and made available to such other persons who request a copy.**
- (3) Oral or written modifications and additions to the staff report shall be allowed prior to or at the time of the public hearing. [Ord. 933 § 16.14, 2019.]**

**FINDING:** Staff has complied with the above requirements.

**SECTION [18.80.150](#) Prohibition on pre-hearing (ex parte) contacts.**

**The decision maker or any member thereof shall not communicate directly or indirectly with any party or representative of a party in connection with any quasi-judicial application where a public hearing is scheduled. Any pre-hearing ex parte contact shall be disclosed on the record at the public hearing. [Ord. 933 § 16.15, 2019.]**

**SECTION [18.80.160](#) Challenge for bias, prejudice, or personal interest.**

(1) Prior to or at the commencement of a quasi-judicial public hearing, any party may challenge the qualifications of the decision maker, or a member thereof, for bias, prejudice, or personal interest. The challenge shall be documented with specific reasons supported by substantial evidence.

(2) Should qualifications be challenged, the decision maker, or the member thereof, shall disqualify themselves, withdraw, or make a statement on the record of their capacity to hear the request and make a decision without bias, prejudice, or personal interest. [Ord. 933 § 16.16, 2019.]

**SECTION [18.80.170](#) Objections to procedural issues.**

Any objections to any procedural issue not raised prior to or during the public hearing are waived. [Ord. 933 § 16.17, 2019.]

**SECTION [18.80.180](#) Limitation on oral presentations.**

The decision maker may set reasonable time limits on oral presentations at public hearings. [Ord. 933 § 16.18, 2019.]

**SECTION [18.80.190](#) Record.**

(1) All evidence timely submitted and placed before the decision maker shall be entered into the record.

(2) For public hearings, an audio recording of the hearing shall be made.

(3) All exhibits presented shall be marked to show the application file number and the identity of the party offering the evidence. [Ord. 933 § 16.19, 2019.]

**SECTION [18.80.200](#) Notice of decision.**

The final decision of the decision maker shall be in writing, signed, and mailed to all parties; provided, however, only the point of contact provided to the City will be delivered notice for any group, entity, or similar collection of individuals constituting a party.

**FINDING:** Notice of this land use decision was issued in a manner consistent with the above stated standard.

**SECTION [18.80.210](#) Reapplication limited.**

If a specific application is denied, no reapplication for substantially the same proposal may be made for six months or the date specified elsewhere in this Development Code, whichever is greater, following the date of the final decision. [Ord. 933 § 16.21, 2019.]

**SECTION [18.80.220](#) Call-up by City Council or Planning Commission.**

- (1) Any decision may be called up for review at the discretion of a higher decision maker.**
- (2) The review shall be initiated, if at all, by the higher decision maker filing a written request with the Community Development Director within fifteen (15) days from the date of the final written decision.**
- (3) Such review shall be conducted in the same manner as an appeal. [Ord. 933 § 16.22, 2019.]**

**SECTION [18.80.230](#) Appeals.**

- (1) A decision shall be final unless a complete notice of appeal, compliant with MDC [18.80.240](#), is received by the Community Development Department within fifteen (15) days of the mailing date of the final written decision and provided the challenged decision is subject to appeal.**
- (2) Who may file an appeal:**
  - (a) A party to the application.**
  - (b) A person to whom notice was to be mailed in accordance with MDC [18.80.110](#), and to whom no notice was mailed.**
  - (c) The Planning Commission; provided, however, any appeal by the Planning Commission shall go directly to the City Council. No fee shall be required for an appeal filed by the Planning Commission.**
- (3) If more than one party files a notice of appeal on the same decision, the appeals shall be consolidated, noticed, and heard as one proceeding.**
- (4) An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision on the appeal. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received. An appeal may be withdrawn under this section regardless of whether other nonfiling parties have relied upon the appeal filed by the appellant.**
- (5) Any failure to conform to the requirements of MDC [18.80.240](#) and MDC [18.80.250](#) shall constitute a jurisdictional defect requiring dismissal of the appeal as untimely and/or unperfected.**
- (6) Determination of jurisdictional defects in an appeal shall be made by the body to whom an appeal has been made.**

**FINDING:** Any appeal filed as a result of the land use decision shall be filed in a manner consistent with MMC 18.80. 230.

**SECTION [18.80.240](#) Notice of appeal.**

Every notice of appeal shall contain:

- (1) Proper identification of the decision subject to appeal;
- (2) The specific grounds relied upon for appeal;
- (3) If a hearing was held below, a transcription of the proceedings;
  - (a) Failure to submit a transcript shall render a notice of appeal incomplete and thus untimely. An appellant may cure an incomplete notice of appeal by submitting the transcript within ten (10) days of the date that the notice of appeal was filed; and
- (4) All parties shall be mailed notice of the hearing on appeal within ten (10) days of scheduling the hearing. [Ord. 933 § 16.24, 2019.]

**SECTION [18.80.250](#) Scope of review on appeal.**

- (1) The review of a Type II decision on appeal before the Planning Commission shall be de novo.
- (2) Except where review by the City Council is expressly required, the City Council has discretion whether to hear any appeal for which it has jurisdiction including, without limitation, review of a decision on appeal issued by the Planning Commission. A decision by the City Council to not grant discretionary review of the appeal is the final determination of the City and will be considered to be an adoption by the Council of the decision being appealed, including any interpretations of this Development Code and the City Comprehensive Plan included in the decision. The final decision may be appealed to the Oregon Land Use Board of Appeals as provided by law.
- (3) If the City Council elects to hear to a discretionary appeal, the City Council has further discretion whether to hear the appeal de novo or on the record. Moreover, the City Council may elect to limit review of the appeal to specific issues set forth in the notice of appeal.
- (4) The City Council's decision whether to grant discretionary review of an appeal, and the scope of the discretionary review, will be made without testimony or argument from persons interested in the appeal. [Ord. 933 § 16.25, 2019.]

**SECTION [18.80.260](#) Rehearing.**

Rehearings shall not be allowed. [Ord. 933 § 16.26, 2019.]

**SECTION [18.80.270](#) Duration of approval.**

Except as provided elsewhere in this Development Code, all land use approvals and planning reviews shall be valid for a period of one year from the date of approval, unless a shorter or longer duration is

granted or required as part of the approval. The date of the approval is the date that the land use approval becomes final for all purposes (no longer subject to appeal or further appeals) or, for planning reviews, the date the planning review approval is issued. [Ord. 933 § 16.27, 2019.]

**SECTION [18.80.280](#) Extension.**

(1) Except as provided elsewhere in this Development Code, any land use approval or planning review may be extended, prior to expiration, by the Community Development Director for periods of six months, but in no event by more than two years. Such extensions shall be administrative, without notice, and in writing.

(2) No land use approval may be extended unless significant progress occurred during the duration of the approval or prior extension, or circumstances occurred which were out of the applicant's control. If the land use approval is subject to conditions of approval, significant progress means that some action must have commenced or occurred towards satisfaction of the conditions of approval. [Ord. 933 § 16.28, 2019.]

**FINDING:** The land use decision shall be valid in accordance with MMC 18.80.270 and as modified by MMC 18.60.150 and MMC 18.60.160.

**SECTION [18.80.290](#) Modification of approval.**

(1) **Purpose.** To provide the decision maker with an opportunity to correct errors and to provide the applicant a mechanism to request modification of conditions of approval or other aspects of an approved application.

(2) **Modification by Decision Maker.** Unless an appeal of the decision has been sooner filed, the decision maker may, at its sole discretion, modify the decision within fifteen (15) days of the mailing date of the decision. If such modifications are made, a new notice of decision shall be issued and the fifteen (15) day appeal period shall be restarted based on the mailing date of the modified decision.

(3) **Modification by Request.** A request to modify an approval may be filed by the applicant or any successor in interest to the decision with the Community Development Department any time after the decision becomes final.

(4) **Modification of Approval by Request – Review Procedures.**

(a) A modification by request that does not have significant additional impacts on surrounding properties must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.

(b) A modification by request that has significant additional impacts on surrounding properties must be reviewed under all applicable standards and may, at the discretion of the Community Development Director, require the filing of a new application.

(c) A modification by request that, in the discretion of the decision maker, constitutes a new proposal must be filed as a new application.

(d) The request to modify an approval shall be reviewed by the decision maker that made the initial decision. [Ord. 933 § 16.29, 2019.]

**SECTION [18.80.300](#) Declaratory ruling.**

Zone Change, Site Plan, and Subdivision: Stone Oak  
Files No. ZC-23-1, SP-23-2, and SD-23-4  
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**(1) Subject to the other provisions of this section, there shall be available for the City's Comprehensive Plan and Development Code a process for:**

- (a) Interpretation of provisions of the Comprehensive Plan, Development Code, or other implementation of regulations in which there is doubt or a dispute as to their meaning or application;**
- (b) Interpretation of a provision or limitation of a land use approval or planning review issued by the City in which there is doubt or a dispute as to its meaning or application;**
- (c) Determination of whether an approval has been initiated or considering the revocation of a previously issued approval;**
- (d) Determination of the validity and scope of a nonconforming use; and**
- (e) Validation of a lot of record.**

Such a determination or interpretation shall be known as a "declaratory ruling" and shall be processed in accordance with this section. In all cases, as part of making a determination or interpretation the decision maker shall have the authority to declare the rights and obligations of persons affected by the ruling.

**(2) A declaratory ruling shall be available only in instances involving a fact-specific controversy and to resolve and determine the particular rights and obligations of particular parties to the controversy. Declaratory proceedings shall not be used to grant an advisory opinion. Declaratory proceedings shall not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.**

**(3) Declaratory rulings shall not be used as a substitute for an appeal of a decision or for a modification of an approval. In the case of a ruling on a City approval, a declaratory ruling shall not be available until sixty (60) days after a decision is final.**

**(4) The Community Development Director may refuse to accept, and the decision maker may deny, an application for a declaratory ruling if:**

- (a) The Community Development Director or decision maker determines that the question presented can be decided in conjunction with approving or denying a pending application or should be made as part of a decision on an application not yet filed; or**
- (b) The Community Development Director or decision maker determines that there is an enforcement case pending in circuit court in which the same issue necessarily will be decided as to the applicant and the applicant failed to file the request for a declaratory ruling within two weeks after being cited or served with a complaint.**

**(5) The Community Development Director's or decision maker's determination to not accept or to deny an application for a declaratory ruling shall be the City's final decision.**

**(6) Only the following persons may initiate a declaratory ruling under this section:**

- (a) The owner of a property requesting a declaratory ruling relating to the use of the owner's property;**
- (b) In cases where the request is to interpret a previously issued approval, the holder of the approval; or**
- (c) The Community Development Director.**

(7) A request for a declaratory ruling shall be initiated by filing a complete application with the Community Development Department. Each application for a declaratory ruling shall include the precise question on which a ruling is sought. The application shall set forth whatever facts are relevant and necessary for making the determination and such other information as may be required by the City.

(8) Declaratory rulings shall be processed as either a Type II or Type III application at the discretion of the Community Development Director.

(9) A declaratory ruling shall be conclusive on the subject of the ruling and bind the parties thereto as to the determination made.

(10) Parties to a declaratory ruling shall not be entitled to reapply for a declaratory ruling on the same question.

(11) A declaratory ruling is not subject to modification by request under MDC 18.80.290. [Ord. 933 § 16.30, 2019.]

**SECTION [18.80.310](#) Lot of record.**

Not all units of land are “lots of record.” the City will not issue any approvals for land divisions or physical development of real property unless the subject property constitutes a lot of record. The Community Development Director may require a lot of record verification whenever there is any question as to the origins or the lawfulness of the subject property. Such review will determine if and when a unit of land was created and if it was created in accordance with the law in effect at the time of creation.

(1) For purposes of this Development Code, a “lot of record” is a unit of land held in separate ownership as shown on the records of the Jefferson County Clerk, which conforms to all zoning and subdivision/partition requirements in effect on the date the unit of land was created.

(2) What is not a lot of record:

(a) A unit of land created solely by a tax lot segregation because of an assessor’s role change or for the convenience of the assessor;

(b) A unit of land created by an intervening section or township line or right-of-way; or

(c) A unit of land created by the foreclosure of a security interest.

(3) Remedy for Units of Land Found Not to Be Lots of Record.

(a) The property owner may seek a property line adjustment to consolidate the unit of land with a contiguous unit of land that is determined to be a lot of record. Both units of land must be held in the same ownership as shown on the records of the Jefferson County Clerk;

(b) The property owner may apply for and obtain approval for a single lot partition in conformance with ORS 92.177; or

(c) The property owner may apply for and obtain a lot of record validation under ORS 92.176. [Ord. 933 § 16.31, 2019.]

**SECTION [18.80.320](#) Authorization of similar uses.**

**The Community Development Director may permit in a particular zone, after holding a public hearing, a use not listed in this Development Code, provided the use is of the same general type as the uses permitted in that zoning district. However, this section does not authorize placement of a proposed use in a zone where the use is not listed, when that use is specifically listed in another zone, or when the proposed use is of the same general type as a use listed in another zone. An authorization for a similar use may be a standalone declaratory ruling or made as part of an application. [Ord. 933 § 16.32, 2019.]**

#### **DECISION:**

Based on the submitted plans and application materials, and the findings in this decision, the applicable approval criteria for a Zone Change, Plan Amendment, Site Plan, and Land Division applications are approved subject to the conditions of approval listed below. Where specific improvements are proposed and approved as submitted, the construction of those improvements may not be listed as a specific condition of approval. Any substantial alteration of the approved plans, other than revisions required to comply with the conditions of approval, may require a new application.

#### **CONDITIONS OF APPROVAL:**

##### **General:**

1. Applicant shall apply for necessary development and building permits from the City of Madras and Jefferson County.
2. Applicant shall apply for building permits from Jefferson County prior to starting construction of modifications.
3. Prior to the issuance of Zoning Review approval by the City of Madras, the applicant shall submit the manufacturer's specification sheets for all outdoor lighting fixtures to the City of Madras.
4. The applicant is proposing to plant Goldenrain Trees along both sides of NE Stone Oak Court, to be reviewed and approved by the Public Works Director. The developer of each lot shall install street trees in the landscaping strip in NE Stone Oak Street adjacent to each lot (with Lot 4 responsible for east side of NE Stone Oak Court) at the time of development in a manner consistent with the City's Public Improvement Design and Construction Standards and MMC 18.20.060.
5. Prior to construction, the applicant shall submit public improvement plans in accordance with the Public Works Director's Memorandum dated October 10, 2023, and the City's Public Improvement Design and Construction Standards that are prepared and stamped by a licensed engineer. All improvements shall be constructed and inspected in accordance with the City's Public Improvement Design and Construction Standards.
6. Prior to construction, the applicant shall submit public improvement plans for NE Stone Oak Street improvements in accordance with the City's Public Improvement Design and Construction Standards that are prepared and stamped by a licensed engineer. Said improvements shall be constructed and inspected in accordance with the City's Public Improvement Design and Construction Standards.
7. The applicant shall comply with the requirements of MMC 18.20.100 and MMC 18.20.110.



8. Prior to issuance of zoning review, Applicant shall provide plans demonstrating compliance with lighting of walkways that meet City standards.
9. Prior to issuance of zoning review, the applicant shall provide plans showing specifically the gradient of walkways that meet the above stated standards.
10. The applicant shall satisfy all applicable ADA requirements prior to the issuance of Certificate of Occupancy of the dwelling constructed on the subject property.
11. The third story decks are only partially covered and questionable whether taking bike upstairs is easily accessible. Therefore, it is a condition of approval to have at least some additional covered bike parking.
12. Applicant to provide plan showing compliance with MMC 18.25.070(5) prior to the issuance of Zoning Review by the City of Madras.
13. The applicant shall submit materials demonstrating compliance with outdoor lighting standards MDC 18.25.160 with each Zoning Review for the development of each lot.
14. Prior to the issuance of building permits, Applicant will submit a revised site plan with parking areas not exceeding eight contiguous spaces.
15. Prior to the issuance of building permits, Applicant will submit a revised floor plans demonstrating compliance with the storage requirement of MDC 18.30.190(4)(j).
16. Applicant will not install any signs on the property without obtaining a site permit approval except for exempt signage.

**Prior to Final Plat Approval:**

1. Prior to final plat or building permit issuance, the applicant shall submit construction plans to the Public Works Department for review and approval that includes the installation of streetlights in a manner consistent with the City's Public Improvement Design and Construction Standards.
2. Prior to final plat, that applicant shall submit all necessary plans to the Jefferson County Fire & EMS District in accordance with the applicable standards administered by the District.
3. Prior to final plat or building permit issuance, the applicant is to submit construction plans to the Public Works Department for review and approval that includes stormwater management in a manner consistent with the City's Public Improvement Design and Construction Standards. No construction will occur without such approval.
4. The public works director will allow the applicant to pay a fee in lieu of dedicating 0.28 acres of park space. The fee shall be \$16,054 to the City in lieu of the dedication of private property. This fee shall be paid by the developer to the City of Madras prior to issuance of building permits or final plat.
5. The applicant shall prepare a final plat that complies with ORS 92.090 and MMC 18.60.170 through 18.60.240.

**DURATION OF APPROVAL:**

The Site Plan decision will expire in one year from the date this decision becomes final unless a building permit has been obtained and remains valid and active. The tentative subdivision plan approval will expire in three years unless a complete final plat application is filed within three years from the date this

Zone Change, Site Plan, and Subdivision: Stone Oak

Files No. ZC-23-1, SP-23-2, and SD-23-4

130 of 131

decision becomes final. Prior to applicable expiration dates, consult with City as to any available extensions.

**THIS DECISION BECOMES FINAL FIFTEEN (15) DAYS FROM DATE MAILED UNLESS A WRITTEN APPEAL IS SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT IN ACCORDANCE WITH THE REQUIREMENTS OF MDC 18.80.230 INCLUDING, WITHOUT LIMITATION, A PAYMENT OF A \$590 APPEAL FEE. FOR INFORMATION ON APPEALS, PLEASE CALL (541) 475-2344.**

\_\_\_\_\_  
**Melissa Irvine,  
Chair, Planning Commission**

February 21, 2024

\_\_\_\_\_  
**Date**

*Fatima Taha*

February 22, 2024

\_\_\_\_\_  
**Mailed by  
Fatima Taha, Associate Planner**

\_\_\_\_\_  
**Date**

cc: Development Team Parties of the Record File, Files No. ZC-23-1, SP-23-2, and SD-23-4.

//////////////////// END OF DECISION //////////////////////



# CITY OF MADRAS SUBDIVISION APPLICATION

125 SW E Street Madras Oregon 97741 541-475-3388 Fax 541-475-3959

OFFICE USE ONLY	
FILE # _____	FEE \$ _____
ZONING DISTRICT _____	
RECEIPT # _____	
DATE RECEIVED _____	

Name of Subdivision Stone Oak  
File Number \_\_\_\_\_ Number of Lots Created 4

## APPLICANT AND PROPERTY OWNER INFORMATION

I have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct. I authorize the City of Madras staff, Hearing's Officers and Planning Commissioners to enter property for inspection of the site in conjunction with this land use application

Applicant Momentasize, LLC ET AL Phone 541-480-0706 Fax \_\_\_\_\_  
Address PO BOX 6901 City Bend State OR Zip Code 97708  
Signature [Signature] Email dirk@momentasize.com

Property Owner Momentasize LLC, ET AL Phone 541-480-0706 Fax \_\_\_\_\_  
Address PO BOX 6901 City Bend State OR Zip Code 97708  
Signature [Signature] Email dirk@momentasize.com

Business Name \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## PROPERTY DESCRIPTION

Property Location (Address, intersection of cross street; general area)  
North side of NE Oak Street, between NE 12th Street and NE Hillcrest Street.

Township 11S Range 13E Section 1 Tax Lot 111301CA02203  
Present Zoning R-1 Total Land Area \_\_\_\_\_ Square Ft.) 3.5 (Acres)  
Present Land Use Vacant Lot

## PROFESSIONAL SERVICES

Surveyor/Engineer BECON Engineering Phone 541-633-3140 Fax \_\_\_\_\_  
Address 549 SW Mill View Way City Bend State OR Zip Code 97702  
Email apust@beconeng.com

Realtor or Agent N/A Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Email \_\_\_\_\_

## **SUBMITTAL REQUIREMENTS**

The following information and material must be submitted by the applicant. *Please note: additional information may be required by the City.*

- ✓ Application. The application must be signed by the owner(s) and shall include the information requested on this form. If the owner does not sign this application, then a letter of authorization must be signed by the owner for the agent.
- ✓ Tentative Plan. Four full size copies of the tentative plan, one 11x17 copy and a pdf of all submitted documents, plans etc.
- ✓ Title report or subdivision guarantee, including legal description of property.
- ✓ Fee (as shown on page one of this application).
- ✓ Burden of proof statement addressing approval criteria in MDC Section 8.11(3.10)
- ✓ Vicinity map.
- ✓ Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- ✓ Traffic impact study (may be required by the City Public Works Director or Planning Director)
- ✓ Names, address, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commission by the applicant.
- ✓ Date of preparation, north point, scale and gross area of the proposed subdivision.
- ✓ Appropriate identification of the drawing as a tentative plan for a subdivision. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
- ✓ Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.
- ✓ Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
- ✓ Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.
- ✓ Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads and any natural features such as rock outcroppings, and natural hazards.

**N/A** Location and direction of water courses, and the location of areas subject to flooding.

- ✓ Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.
- ✓ Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations.
- ✓ Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen to twenty percent, and twenty feet for slopes greater than twenty percent.
- ✓ Zoning classification of land within and adjacent to the proposed subdivision.
- ✓ Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.
- ✓ Location of at least one temporary bench mark within the proposed subdivision boundary.
- ✓ Location, approximate area and dimensions of each lot, and proposed lot and block numbers.
- ✓ Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed, and plans for improvements or development thereof.

N/A Proposed use, location, approximate area and dimensions of any lot intended for non-residential use.

N/A An outline of the area proposed for partial recording, if contemplated or proposed.

- ✓ Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.
- ✓ Description and location of any proposed community facility.
- ✓ Storm water and other drainage facility plans.
- ✓ Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized for the proposed subdivision.
- ✓ Statement from each utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions.
- ✓ Proposed fire protection system for the proposed subdivision and written approval thereof by the appropriate serving fire protection agency.

**CITY OF MADRAS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**SITE PLAN REVIEW APPLICATION**

To be accompanied by a Site Plan Map and Letter of Authorization, if applicable.

- Residential
- Commercial
- Industrial

OFFICE USE ONLY	
FILE # _____	FEE \$ _____
ZONING DISTRICT _____	
RECEIPT # _____	
DATE RECEIVED _____	

The site plan review process is a method for assuring compliance with the policies of the City of Madras Comprehensive Plan and Land Development Ordinance, for ensuring wise utilization of land resources, and proper integration of land uses utilizing appropriate landscaping or screening measures. A commercial enterprise must also consider traffic circulation patterns, off-street parking, refuse containers, safe exits and entrances to the business, building height, dust control, future widening of major thoroughfares, and signs.

Please answer the questions as completely as possible.

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Legal Description of the Subject Property: Township 11S Range 13E Section 1 Tax Lot 111301CA02203


Property street address North side of NE Oak Street, between NE 12th Street and NE Hillcrest Street.

Value of Project \$620,000 (Site work and infrastructure)

I have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct. I authorize the City of Madras staff, Hearing's Officers and Planning Commissioners to enter property for inspection of the site in conjunction with this land use application

**APPLICANT**

Printed Name Momentasize, LLC ET AL

Signature:  Date: 9/6/2023

Address: PO Box 6901 City/State/Zip: Bend, OR 97708

Phone: 541-480-0706 Fax: dirk@momentasize.com

**PROPERTY OWNER (if different from Applicant):**

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

1. Please describe your proposal with as much detail as possible:  
**Site plan review for a 60 unit apartment development (with associated and concurrent tentative plat and rezone applications).**
  
2. Are you planning to install signs? **No** **If yes, a separate application is required.**
  
3. What type of business, commodity, manufacturing or service are you proposing?  
**N/A**  
 Number of employee's: Current **N/A** Projected number of customers per day **N/A**  
 Days of Operation **N/A** Hours of Operation **N/A**  
 Number of shipments/deliveries per day **N/A** per week **N/A**  
 By what method will these be arriving/sent? **N/A**
  
4. Does this property have an existing business or businesses? **No**  


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 If yes, please list the business names and their addresses, and note these businesses on your site plan map.  
**N/A**  


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5. Is there a residence or residences on this property? **No**  
 If yes, list the number of residences and please show these structures on your site plan map. **N/A**  
 Will the residential use of these structures continue? **N/A**  
 If so, who will occupy these residences? **N/A**  
 What is their relationship with the business? **N/A**
  
6. Availability of services: City water **Yes** City sewer **Yes**
  
7. If you are an existing business, where are materials or merchandise currently being stored?  
**N/A**
  
8. Where do you propose to store materials or merchandise for sale or processing?  
**N/A**
  
9. What percentage of the property is currently landscaped? **Site is undeveloped**
  
10. How do you intend to irrigate the landscaping? **Proposed landscaping includes a new irrigation system.**

11. Please explain how you propose to provide for the drainage of this property, or explain why no additional drainage consideration is necessary. \_\_\_\_\_

**Drywells and sediment manholes are proposed in the public street and private parking lot.**

12. Please provide the type of development and zoning on the adjacent properties.

North: **Single Family Homes in the R-1 Zone**

South: **Oak Street and St Charles Hospital - OS Zone**

East: **Single Family Homes in the R-3 Zone and Apartment Development in the R-2 Zone**

West: **Apartment Development in the R-2 Zone**

13. Will all parking for your business be provided on the property? Yes **N/A** No \_\_\_\_\_

**Parking for the proposed apartments will be on the same property as the buildings.**

**If off-street parking is to be provided on another property,  
please attach a copy of the parking easement or agreement from the property owner.**

---

PLEASE UNDERSTAND THAT THIS APPLICATION WILL NOT BE OFFICIALLY ACCEPTED UNTIL  
DEPARTMENT STAFF HAS DETERMINED THAT THE APPLICATION IS COMPLETELY FILLED OUT AND  
THE MAP REQUIREMENTS HAVE BEEN COMPLETED.

Return Application To:

City of Madras  
Community Development Department  
125 SW 'E' Street  
Madras, Oregon 97741  
Phone: 541-475-3388  
Fax: 541-475-3959



## MAP INSTRUCTIONS AND CHECKLIST

The following checklist identifies the specific information which should be included.

Note: additional information may be required depending on the actual project.

- ✓ Provide a Title Report verifying ownership.
- ✓ Provide a vicinity map "to scale" on 8 ½ x 11 or 8 ½ x 14 inch white paper.
- ✓ Township, Range, Section and Tax Lot number of the subject property (ies) shall be included.
- ✓ North arrow, date, and map scale in one inch intervals (1" = 20') shall be noted.
- ✓ Illustrate all existing buildings and their sizes.
- ✓ The site plan shall be drawn to scale and shall indicate the following:
  - a) Location, size, and height of all existing or proposed structures.
  - b) Location, size, and dimension of existing and proposed setbacks, and all spaces between buildings.
  - c) Adjoining street and right-of-ways.
  - d) Points of access and circulation patterns, loading and maneuvering spaces.
  - e) Off-street parking; showing location of parking areas, number of parking spaces including handicap parking, and type of surface.
  - f) Sidewalks, patios, courtyards, and decks.
  - g) Storm drainage system, including but not limited to, draining and grading plan, existing topography, and elevations.
  - h) Fences, screens, and retaining walls, including heights and materials.
  - i) Existing utilities (i.e. electric, gas, power lines).
  - j) Exterior lighting (show location and general nature).
  - k) Sanitary sewer system or location of septic tank and drainfield (if still using and not connected to city sewer), and the distance the lot is from the nearest sewer connection.
  - l) Water supply (showing size of main, water flow and size of water line).
  - m) Location of existing and, if any, proposed fire hydrants with size and flow data.
  - n) Identify any existing or proposed easements.
  - o) Proposed public improvements.
  - p) Sign (if existing, location and size). Any new or sign alteration will require a sign application to be submitted to the Community Development Department for approval.
  - q) Give intended type of occupancy for the structure (i.e. assembly, educational, manufacturing, processing, storage and type of contents).
  - r) List all existing or proposed conditions that could be hazardous to life and property from fire or explosion (i.e. storage of: liquefied petroleum gas, flammable or combustible liquids, explosives and blasting agents).
- ✓ Provide Building Elevations; five full sized copies of each and one reduced (8.5x11 or 11x17) copy of each.
- ✓ Provide a Landscaping Irrigation Plan where a minimum of fifteen percent (15%) of the total lot area shall be landscaped and of the 15:
  - a) At least seven percent (7%) of the parking lot area shall be landscaped. Trees shall be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.
  - b) Landscape buffers are required between parking areas and streets and shall have a minimum width of three (3') feet.
  - c) Landscape buffers between parking abutting a property line shall have a minimum width of three (3') feet.
  - d) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.
  - e) There shall be a minimum distance of five feet (5') between parking areas and adjacent residential lots.

f) Landscape buffers shall consist of evergreens, ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.

g) Landscaping in a parking or loading area shall have a width of not less than five feet (5').

Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

h) Landscaping shall be continuously maintained and replaced as necessary.

- ✔ Provide three copies of the floor plan for each building, plus one reduced (8.5 x 11 or 11x17). Include the class of construction.
- ✔ Identify the location and direction of all water courses and drainage ways, as well as the location of the 100-year floodplain, if applicable.
- ✔ Illustrate all proposed new construction with dashed lines (include dimensions).
- ✔ Provide a Trip Generation statement prepared by a professional transportation planner or equivalent. Note if more than 200 ADT result (or at the discretion of the City Engineer), a Traffic Impact Study may be required.
- ✔ Illustrate the existing or proposed location, height, material and color of all fences and walls.
- ✔ Illustrate existing or proposed trash and garbage container locations, including screening.
- ✔ Illustrate drainage plans. Surface drainage shall be contained on-site.

**From:** [Fatima Taha](#)  
**To:** [April Pust](#); [Dirk van der Velde](#)  
**Cc:** [Chris van der Velde-Velocity](#); [Nycole Jones](#); [Erik Huffman](#); [Jeff Wellman](#); [PE Joe Bessman](#)  
**Subject:** Stone Oak - Zone Change, Subdivision and Site Plan Applications | SD-23-4, SP-23-2, and ZC-23-1  
**Date:** Monday, October 9, 2023 2:43:33 PM  
**Attachments:** [PW Director Comments Template \(003\).docx](#)  
[ZC-23-1 SP-23-2 SD-23-4 incomplete application election form fillable 100923.pdf](#)

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Good afternoon!

The city deemed the land use applications incomplete. The 'incomplete application election form' (attached) provides three options per ORS 227.178 to proceed with the application.

If you choose 'Option 1' or 'Option 2', please submit the following documentation to make the application complete (hard copies or email):

1. Signed incomplete application election form (attached).
2. Attached are Public Works comments. Here are some additional items:
  - a. The proposed street is greater than 150 feet, which requires a cul-de-sac (or at least a turnaround). Typically, a cul-de-sac or turnaround would be within the public right-of-way; however, Stone Oak is more of an infill style development and the city could accept a public access easement instead of dedicated right-of-way. There is enough room in the apartment complex for a turnaround, but there needs to be an access easement on the tentative plat. Regardless of whether the turnaround is dedicated right-of-way or within a public access easement, staff recommends it be constructed according to public standards.
  - b. The contours on the preliminary grading plan and the retaining wall within the proposed street's right-of-way may be longer than depicted.

Let me know if you have any questions.

Fatima Taha, MBA, Ph.D.  
Associate Planner | Community Development Department  
City of Madras  
541-325-0305  
[Website](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

CONFIDENTIALITY NOTICE: This email (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure, and/or distribution of this email is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the email (including any attachments).

PUBLIC RECORDS LAW DISCLOSURE: Under Oregon's Public Records Law (ORS 192.410 - 192.505), emails are generally considered "public records." Therefore, this email (including any attachments) may be subject to public inspection unless exempt from disclosure under Oregon's Public Records Law.



125 SW "E" Street  
Madras, OR 97741  
P: 541-475-2344  
F: 541-475-7061  
www.ci.madras.or.us

## APPLICATION COMPLETENESS OPTION

TO: \_\_\_\_\_

FROM: CITY OF MADRAS, COMMUNITY DEVELOPMENT DEPARTMENT

RE: Case File No. \_\_\_\_\_

The Development Review Committee finished its completeness review of the referenced application(s) on \_\_\_\_\_, and determined that the application(s) is incomplete, as identified in the letter from \_\_\_\_\_ dated \_\_\_\_\_ (the "Incomplete Notice"). Per Oregon Revised Statutes (ORS) 227.178, the following options are available to proceed with this application.

**Option 1**

I, as the applicant or with authority to act on behalf of the applicant(s), am enclosing all of the remaining information identified in the Incomplete Notice required to make the above application complete. City will review the enclosures to determine if the application remains incomplete and reserves the right to issue further incomplete notices. The 120-day time limit for City's processing of the application will begin upon City's receipt of all materials in the Incomplete Notice or any subsequent election to proceed under Option 2 or Option 3.

**Option 2**

I, as the applicant or with authority to act on behalf of the applicant(s), am enclosing a portion of the missing information identified in the Incomplete Notice, will not be submitting any additional information, and hereby request to have the above application processed "as is". I acknowledge that the City may be unable to grant an approval if required information is not provided. The 120-day time limit for City's processing of the application will begin upon City's receipt of election to proceed under Option 2.

**Option 3:**

I, as the applicant or with authority to act on behalf of the applicant(s), will not be submitting any additional information and hereby request to have the above application processed "as is". I acknowledge that the City may be unable to grant an approval if required information is not provided. The 120-day time limit for City's processing of the application will begin upon City's receipt of election to proceed under Option 3.

Signature: UPT\_\_\_\_\_

Print Name: \_\_\_\_\_

Representing: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

**Please check the appropriate box, sign and date this form, and return the completed form to the City of Madras, Community Development Department, at your earliest convenience. The form may be hand delivered, mailed, e-mailed, or faxed. If the materials identified in the Incomplete Notice are not submitted within 180 days after the application is first submitted, or if no election is made under Option 2 or Option 3 within 180 days after the application is first submitted, the application is void and no refund of application fees will be granted.**

**City of Madras**  
**Community Development Department**  
**Burden of Proof**  
November, 2023

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Applicant/Property Owner: Momentasize LLC, VDV Properties & Ann Marie van der Velde, Dirk van der Velde

Map & Tax Lot: 11-13-1CA-2203

Address: Unaddressed

Permits Required: Zone Change, Site Plan, Subdivision, Zoning Review & Building Permits

Property Zoning: R-1

Proposal: Zone Change from R-1 to R-3, Four Lot Subdivision and Site and Design Review for a 60 unit Apartment Development.

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Statewide Land Use Goals

- Oregon's Statewide Land Use Planning Goals 1, 2, 5, 6, 7, 8, 10, 11, 12, and 13

Oregon Administrative Rules

- 660-012-0060 (Transportation Planning Rule)

Madras Comprehensive Plan

- Goals 1, 2, 5, 6, 7, 8, 10, 11, 12, and 13
- Administrative Provisions for Quasi-Judicial Revisions
- Madras Transportation System Plan (No. 926)
- Madras Parks Master Plan (2019)

Madras Public Improvement Design & Construction Standards, Title 12.45

Madras Development Code, Title 18

- MDC 18.10: Basic Provisions
- MDC 18.15: Land Use Zones
  - o MDC 18.15.040: Moderate density residential (R-1), higher density residential (R-2), and planned residential development (R-3).
- MDC 18.20: Public Improvement and Site Development Standards
- MDC 18.25: Supplementary Provisions
- MDC 18.30: Special Standards for Certain Uses
  - o MDC 18.30.190: Residential Design Standards
- MDC 18.35: Signs (only if the applicant is proposing signs as part of the application)

- MDC 18.40: Zoning Review, Site Plan Review, and Design Review
- MDC 18.60: Land Divisions, Replats and Property Line Adjustments
- MDC 18.75: Amendments
- MDC 18.80: Administrative Provisions

NOTE: See Applicable Criteria section of this document for the specific criteria that may apply to the proposed development.

## **MADRAS DEVELOPMENT CODE APPROVAL CRITERIA**

### **Chapter 18.10: BASIC PROVISIONS**

#### **SECTION 18.10.010 Compliance with Development Code provisions.**

(1) No building (or part of a building) may be erected, moved, or altered, and no lot may be altered, unless the action conforms with the regulations herein specified for the zone in which it is located, except as otherwise provided herein.

(2) No permit for construction or alteration of any building may be issued unless plans, specifications, and intended uses of such building have first been submitted and on file with the Community Development Department and conform in all respects with the provisions of this Development Code.

(3) No land may be divided, unless and until the person proposing the land division, or his authorized agent or representative, has made application in writing to the City and the City determined the proposed land division is in compliance with the requirements and procedures established by this Development Code.

(4) If state or federal law provides some higher or different approval criteria, the applicant must demonstrate compliance with such state or federal law. [Ord. 933 § 2.1, 2019.]

**Applicant Response:** The applicant understands the provisions of the development code and intends to comply as detailed in this narrative.

#### **SECTION 18.10.020 Preexisting approvals.**

(1) Legality of Preexisting Approvals. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which applications were filed prior to the effective date of the ordinance codified in this Development Code, and which have not legally expired, may occur pursuant to such approvals except that modifications to development approvals must comply with MDC [18.80.290](#), Modification of Approval. All conditions of preexisting approvals shall apply.

(2) Subsequent Development Applications. All development proposals and applications received by the Community Development Director after the adoption of any applicable land use regulation codified in this Development Code are subject to review for conformance with the

standards under this Development Code or as otherwise provided by state or federal law. [Ord. 933 § 2.2, 2019.]

**Applicant Response:** A land use application for a 10 lot subdivision was previously approved under file number SD-23-1. The Zone Change, Subdivision and Site Plan proposals included in this application are intended to replace the pre-existing approval, which is still valid.

**SECTION 18.10.030 Building permit and certificate of occupancy.**

(1) Building Permit. A building permit shall not be issued until a land use approval has been issued in accordance with the provisions of this Development Code, unless the Community Development Director has otherwise found that a land use approval is not required.

(2) Certificate of Occupancy Required. To ensure completion of a development or use in the manner approved, a development must not be occupied and a use must not begin until the Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.

(3) Prior to Final Completion. Prior to the final completion of all work, a temporary certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain. [Ord. 933 § 2.3, 2019.]

**Applicant Response:** The applicant understands that a separate building permit review and approval is required and that occupancy will not be granted until a certificate of occupancy has been issued.

**SECTION 18.10.040 Illegal occupancy.**

Any use of premises or a building which deviates from or violates any of the provisions of this Development Code shall be deemed an illegal occupancy and the persons responsible shall be subject to the penalties herein provided. [Ord. 933 § 2.4, 2019.]

**Applicant Response:** The applicant understands the penalties associated with illegal occupancy.

**SECTION 18.10.050 Enforcement.**

(1) Administration. It is the duty of the Community Development Director to enforce the provisions of the Development Code.

(2) Building Permits. No building permit shall be issued for any development that does not conform to the requirements of the Development Code or to any property that is currently in violation of the Development Code.



(3) Authority. Whenever necessary to enforce the provisions of this Development Code, the Community Development Director may pursue any remedy provided by law, without prejudice to any other available remedy, including, without limitation, entering into voluntary compliance agreements with the violator.

(4) Violation of this Development Code as a Nuisance. The construction, erection, location, enlargement, or use or change in use of any structure or property in violation of this Development Code of those conditions and limitations approved pursuant to the provisions of this Development Code is deemed a nuisance and may be enjoined, abated, or removed pursuant to the procedures set forth in the City's nuisance ordinance, Chapter [8.15](#) MMC.

**Applicant Response:** The applicant understands and will comply with the requirements of this section.

(5) Code Enforcement and Land Use.

(a) Except as described in subsection [\(5\)\(d\)](#) of this section, if any property is in violation of this Development Code, any other City ordinance, and/or the conditions of approval of any land use decisions or building permits previously issued, the City shall not:

(i) Approve any land use permit;

(ii) Make any other land use decision, including land divisions and/or property line adjustments; or

(iii) Authorize issuance of a building permit.

(b) As part of the application process, the applicant must certify:

(i) That to the best of the applicant's knowledge, the subject property, including any prior development phases of the property, is currently in compliance with both the Development Code and any prior land use approvals for the development of the property; or

(ii) That the application is for the purpose of bringing the property into compliance with the Development Code and/or prior land use approvals.

(c) A violation means the property has been determined to not be in compliance either through a prior notice or decision by the City or other tribunal, through the review process of the current application, or through an acknowledgement by the alleged violator in a signed voluntary compliance agreement.

(d) A permit or other approval, including building permit applications, may be authorized if:

(i) It results in the property coming into full compliance with all applicable provisions of federal, state, or local laws, including, without limitation, the Development Code;

(ii) It is necessary to protect the public health or safety;

(iii) It is for work related to and within a valid utility or right-of-way easement over, on, or under the affected property; or

(iv) It is for emergency repairs to make a structure habitable or a right-of-way passable.

(e) Public Health and Safety.

(i) For the purposes of this section, “public health and safety” means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger life, health, personal property, or safety of the residents of the property or the public.

(ii) Examples of that situation include, but are not limited to, issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failure.

**Applicant Response:** The applicant understands that permits and decisions may be withheld if the property is in violation of the Development Code.

(6) Revocation for False Statement. The Planning Commission may revoke any permit granted pursuant to the provisions of this Development Code if it is determined that the permit was issued on account of false statements contained in the application form or false representations made at a public hearing.

(7) Revocation for Nonconformance. The Planning Commission may revoke any permit granted pursuant to the provisions to this Development Code for failure to comply with those conditions and limitations placed upon the exercise of the permit.

(8) Revocation Hearing. A public hearing held pursuant to the provisions in Chapter [18.80](#) MDC must be held prior to revocation of a permit.

(9) Who May Request Revocation Hearing. A revocation hearing shall be held by the Planning Commission at the request of the Community Development Director or an interested person who has reasonable cause to believe that the provisions of this Development Code have been violated.

(10) Penalties for Violation.

(a) A violation of any provision of this Development Code, with each violation constituting a separate offense, is punishable upon conviction by:

(i) A fine of not more than one hundred dollars (\$100.00) for each day of violation where the offense is a continuing offense; or

(ii) A fine of not more than five hundred dollars (\$500.00) where the offense is not a continuing offense.

(b) The remedies available under this subsection are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within the discretion of City to seek cumulative remedies for a violation of the Development Code. [Ord. 933 § 2.5, 2019.]

**Applicant Response:** The applicant understands the implications of nonconformance and the associated penalties for violation of the Development Code.

**SECTION 18.10.060 Official documents.**

Official land use regulation documents including, without limitation, the City's Zoning Map and this Development Code, are kept at Madras City Hall. Because land use regulations are amended from time to time, interested parties are advised to consult the official documents. [Ord. 933 § 2.6, 2019.]

**Applicant Response:** The applicant has consulted with City Staff for the most current zoning maps and development code.

**SECTION 18.10.070 Fees authorized.**

The City is authorized to collect appropriate fees for services performed by the Community Development Department and for all applications and proceedings authorized under this Development Code. Fees are established by the City Council by resolution. Payment of fees must be made prior to the City initiating the requested service or submitting the desired application. [Ord. 933 § 2.7, 2019.]

**Applicant Response:** The applicant understands that fees must be paid prior to any review of the submitted applications.

**SECTION 18.10.080 Codification.**

This Development Code is a codification of all land use regulations adopted by the City of Madras. Despite the adoption date of the Development Code, each land use regulation

contained herein shall retain the effective date of the ordinance in which it was originally adopted. References in other City ordinances to “Zoning Ordinance” or “Subdivision and Partition Ordinance” and similar references shall refer to this Development Code. All ordinances adopted by the City of Madras are maintained at City Hall and should be consulted to determine the effective date of a particular land use regulation. [Ord. 933 § 2.8, 2019.]

**SECTION 18.10.090 Interpretation.**

(1) Purpose Statements. Any purpose statements included in this Development Code are only for context and should not be construed as independent approval criteria requiring findings.

(2) Most Restrictive Regulations Apply. Where the provisions of this Development Code conflict with comparable standards described in any other ordinance, resolution, or regulation, the most restrictive regulations shall govern.

(3) As used in this Development Code, the singular includes the plural and the masculine includes the feminine and neuter; the word “may” is discretionary, the words “shall,” “must,” and “will” are mandatory. [Ord. 933 § 2.9, 2019.]

**Applicant Response:** The applicant understands that the most restrictive regulations apply when there are comparable standards elsewhere.

**SECTION 18.10.100 Severability.**

The provisions of this Development Code are severable. If any section, sentence, clause, or phrase of this Development Code is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the Development Code. [Ord. 933 § 2.10, 2019.]

**Chapter 18.15: LAND USE ZONES**

**SECTION 18.15.010 Establishment of zoning districts and overlay designations.**

This Development Code hereby establishes the following land use zoning districts and overlay designations. Overlay designations establish supplemental regulations that supersede any conflicting regulation applicable to the primary zoning district. They are as follows:

ZONE	DESIGNATION
Moderate Density Residential	R-1
Higher Density Residential	R-2

ZONE	DESIGNATION
Planned Residential Development	R-3
Corridor Commercial	C-1

[Ord. 968 § 2.5 (Exh. E), 2022; Ord. 933 § 3.1, 2019; Ord. 898 § 3, 2017.]

**Applicant Response:** The property is currently zoned R-1 – Moderate Density Residential and the applicant is proposing a zone change to R-3 – Planned Residential Development.

**SECTION 18.15.020 Location of zones.**

The boundaries of the zones listed in this Development Code are indicated on the Madras Zoning Map, which is hereby adopted by reference. The boundaries may be modified in accordance with Zoning Map amendments pursuant to this section and will be adopted by reference. [Ord. 933 § 3.2, 2019.]

**Applicant Response:** The applicant is proposing a modification to the boundary of the R-3 Zone to include the subject property.

**SECTION 18.15.030 Zoning district boundaries.**

Unless otherwise specified, zoning district boundaries are lines that may also be identified as lot lines, centerlines of streets, alleys, canal or railroad rights-of-way, watercourses, ridges or rimrocks, or other readily recognizable or identifiable natural features. Whenever any uncertainty exists as to the boundary of a zone as shown on the Zoning Map, the following regulations shall control:

- (1) Where a zoning district boundary line is indicated as following a street, alley, canal, or railroad right-of-way, it shall be construed as following the centerline of such right-of-way.
- (2) Where a zoning district boundary line follows or approximately coincides with a section line, lot, or property ownership line, it shall be construed as following such line.
- (3) If a lot is split with two or more zoning district boundaries, the primary or predominant (which covers a majority of the lot) zoning district shall be the governing zone. The Community Development Director shall determine the governing zone. [Ord. 933 § 3.3, 2019.]

**Applicant Response:** The applicant is proposing a zone change to the entire 3.5 acre parcel. The new R-3 zoning would follow the property lines as depicted in the planning drawings.

**SECTION 18.15.040 Moderate density residential (R-1), higher density residential (R-2), and planned residential development (R-3).**

(1) Purpose Statements.

(a) The intent of the R-1 zone is to create, maintain, and promote residential neighborhoods, including:

(i) To provide for larger lot sizes; and

(ii) To allow a broad range of housing types while providing for essential development and design standards.

(b) The intent of the R-2 zone is to create, maintain, and promote residential neighborhoods with a mix of uses that serve as a buffer between commercial and residential zones, including:

(i) To provide multi-unit dwellings and middle housing in close proximity to existing commercial uses to provide for easier access to goods and services for residents; and

(ii) To allow a broad range of housing types while providing for essential development and design standards.

(c) The intent of the R-3 zone is to recognize and enhance areas of scenic quality and view amenities, including:

(i) To allow for flexibility in project design while providing for essential development standards;

(ii) To encourage development which is sensitive to the natural topography of the site, minimizes alterations to the land, and maintains and enhances significant natural resources;

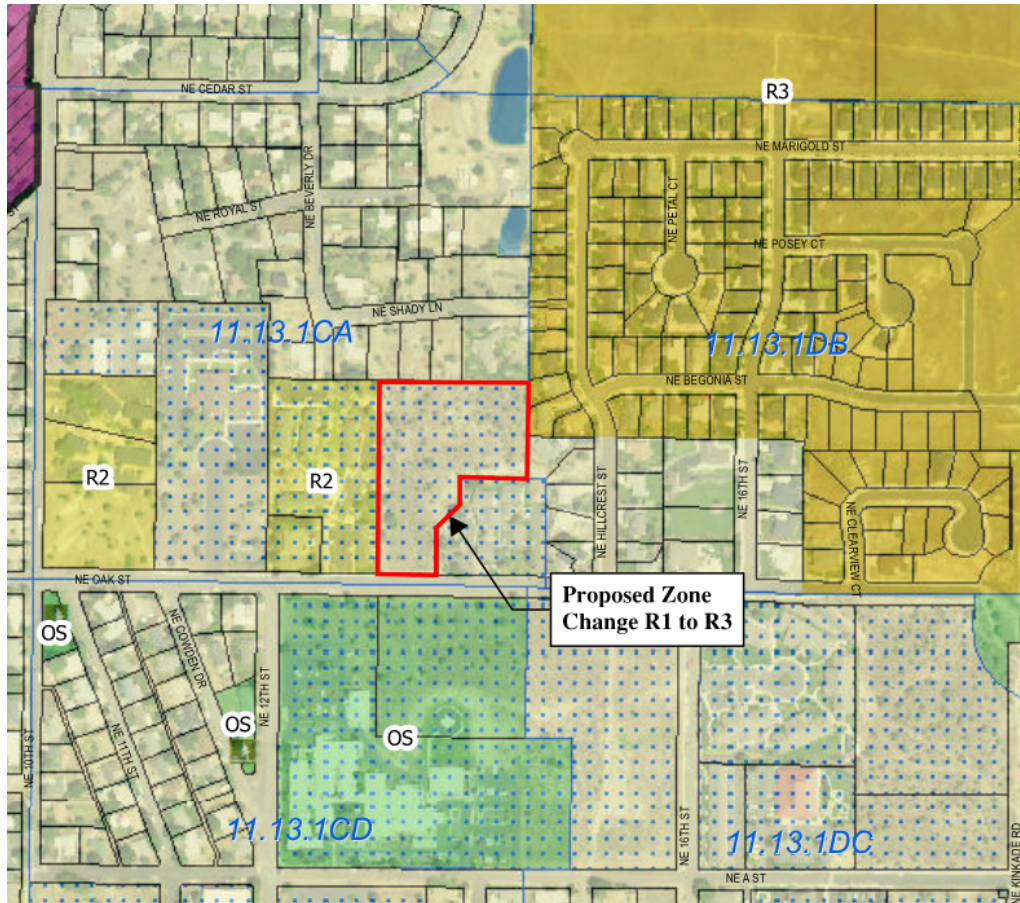
(iii) To provide for projects which are compatible with surrounding developments; and

(iv) To facilitate circulation systems designed to be efficient and well-integrated with the City's overall circulation system without dominating the project.

**Applicant Response:** The applicant is proposing a zone change from R-1 to R-3. The proposed change will allow better use of the natural topography by reducing the alterations to the land. The R-1 Zone is limited no more than four units per building and 30 feet in total building height.

The amount of grading required to build four unit buildings, with the associated parking, utilities and retaining walls, is not economical or feasible for this site. A previous tentative plat application (intended for fourplex units) was submitted and approved but was not constructed due to the associated development costs.

The project site is adjacent to existing multi-family developments on the east and west property lines, which are zoned R-2. The northwest portion of the site is adjacent to single family homes that are in the R-3 Zone and the St. Charles Madras campus is located across Oak Street to the south.



The project proposes three single family lots with a new private street which will connect to the proposed apartment development. As designed, the project will provide needed housing and is compatible with surrounding developments.

(2) Uses.

(a) Types of Uses. For the purposes of this section, there are three types of uses:

- (i) A permitted use (P) is a use which is permitted outright subject to zoning review or site plan approval, as applicable, and to all of the applicable provisions of this code. If a

use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).

(ii) A conditional use (C) is a use which must be approved at the discretion of the Planning Commission and subject to site plan approval, and to all of the applicable provisions of this code. The conditional use specific approval process and criteria are set forth in Chapter [18.65](#) MDC. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).

(iii) A prohibited use (X) is one which is expressly prohibited in the zone. In addition, uses not specifically listed as permitted or conditional in MDC Table 18.15.040-1, or which are deemed to be similar uses pursuant to MDC [18.80.320](#), are also prohibited.

(b) Use Table. A list of permitted, conditional, and prohibited uses in residential zones is set forth in MDC Table 18.15.040-1.

Table 18.15.040-1. Uses in the R-1, R-2, and R-3 Zones

Uses	R-1	R-2	R-3	Limitations and qualifications
Residential living	P	P	P	See MDC Table 18.15.040-2 for permitted housing types.
Residential home facilities	P	P	P	In accordance with ORS <a href="#">197.665</a> (e.g., adult foster care).
Residential care facilities	X	P	P	In accordance with ORS <a href="#">197.665</a> (e.g., adult foster care).
Accessory structure	P/C	P/C	P/C	Accessory structures under 950 square feet are outright permitted; accessory structures 950 square feet or over require conditional use approval. Shipping containers, rail cars, semi-trailers and similar structures may not be used for temporary (or permanent) storage on parcels occupied by a dwelling unit.
Bed and breakfast	C	C	C	See MDC <a href="#">18.30.080</a> .
Churches	C	C	C	
Day care	P	P	P	
Home occupations	C	C	C	See MDC <a href="#">18.30.090</a> .
Lodges or civic organizations	C	C	X	
Medical and dental clinics, hospitals, sanitariums, rest	C	C	X	Medical and dental clinics, hospitals, sanitariums, rest homes, homes for the aged,



Uses	R-1	R-2	R-3	Limitations and qualifications
homes, homes for the aged, nursing homes, or convalescent homes				nursing homes or convalescent homes are defined conditional uses.
Model homes	P	P	P	Allowed only after construction plans have been approved by the City Public Works Director; occupancy and use are prohibited until documentation has been received by the City Public Works Director that the utilities have been connected.
Public buildings	C	C	X	Such as libraries, fire stations, police stations, offices for governmental uses, museums, and schools. Libraries, fire stations, museums, and schools are the only conditional uses permitted in the R-1 zone. Schools are the only conditional use permitted in the R-3 zone.
Public parks, recreation areas, and community centers	P	P	P	Subject to site plan review.
Public utilities, except for communication towers	C	C	X	Necessary public utilities and public services with safeguards against harm to adjacent or abutting residential property as required by the Planning Commission.

**Applicant Response:** The project proposes residential living uses (single family homes and apartment units) which are outright permitted in the R-3 Zone.

(3) Housing Types.

(a) Types of Housing Units. For the purposes of this section, all types of permitted housing are listed in MDC Table 18.15.040-2 below. See MDC [18.05.030](#), Definitions, for specific descriptions of the housing types listed in the table. Minimum lot sizes noted for specific housing types apply only to new lots of record. Existing nonconforming lawfully established lots are permitted to develop housing types permitted in the applicable zone as long as all development standards in MDC Table 18.15.040-3 can be met.

Table 18.15.040-2. Housing Types in the R-1, R-2, and R-3 Zones

Residential Use Category	R-1	R-2	R-3	Limitations and qualifications
Accessory dwelling unit	P	P	P	(a) Permitted in conjunction with one single detached dwelling.
Townhouse	P	P	P	(a) See MDC <a href="#">18.30.191</a> , Townhouse design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to three dwelling units, attached or detached	P	P	P	(a) Permitted on lots 5,000 square feet or greater, per MDC <a href="#">18.50.030</a> . (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to four dwelling units, attached or detached	P	P	P	(a) Permitted on lots 7,500 square feet or greater. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Cottage cluster	P	P	P	(a) See MDC <a href="#">18.30.192</a> , Cottage cluster design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Apartments	P	P	P	(a) Permitted on lots 7,500 square feet or greater (first four units), plus 1,000 square feet for each additional dwelling unit in R-1. (b) Permitted on lots 6,000 square feet or greater (first four units) plus 1,950 square feet for each additional dwelling unit in R-3.
				(c) Apartments in the R-1 zone are limited to no more than four units per structure, no more than 30 feet in height, no single façade on any single structure may exceed a width of 60 feet, and no more than 24 units in total. (d) See MDC <a href="#">18.30.190</a> , Residential design standards.

**Applicant Response:** The proposed lots are intended for single family residences and apartment buildings. Both types of residential units are outright permitted in the R-3 Zone and meet the required lot sizes associated with each use.

(4) Development Standards. In the R-1, R-2, and R-3 zones, the development standards in MDC Table 18.15.040-3 apply. The standards in MDC Table 18.15.040-3 are not applicable to cottage

cluster development or townhouse development. See development standards for these housing types in MDC [18.30.191](#) and [18.30.192](#).

Table 18.15.040-3. Development Standards in the R-1, R-2, and R-3 Zones

Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
<b>A. Lot Size Requirements</b>				
1. Minimum lot size (square feet)	7,500	7,500	6,000	Minimum lot size in this table applies to all new lots of record except for lots created as part of townhome or cottage cluster developments. For permitted housing types on this lot size see MDC Table 18.15.040-2 above. See MDC <a href="#">18.50.030</a> .
2. Maximum lot coverage (percent of total lot area)	50%	50%	50%	See definition of lot coverage in MDC <a href="#">18.05.030</a> , Definitions, for explanation of what portions of a building on a lot are included.
3. Minimum density (dwelling units per gross acre)	4	4	7	A land division with the residential zones may create a remainder development lot in excess of one-half (1/2) acre only if approved as part of a phased subdivision.
<b>B. Development Standards</b>				
<b>1. Minimum setbacks (feet)</b>				
a. Front	12			
b. Side	5		In the R-3 zone, apartments must be set back 15 feet from side and rear property lines.	
c. Rear	5			
d. Garage loaded from a street	20			
e. Garage loaded from an alley	0 or 20			If off-street parking spaces are provided in front of garage, they must be of adequate length to accommodate a full vehicle length to avoid overhang in the right-of-way.
<b>2. Building height</b>				
a. Minimum building height (feet)	none			

Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
b. Maximum building height (feet)	35	45		
3. Side yard height plane (feet)				
a. Maximum height at minimum required side yard depth (feet)	20	25	20	For illustration of the side yard height plane development standard, see MDC <a href="#">18.05.030</a> , Definitions.
b. Slope of plane (degrees)	45	45	45	

**Applicant Response:** The proposal includes lots that are intended for single family homes and apartment buildings. As detailed on the Tentative Plan, all lots meet the minimum square footage (6,000 sf) and are in conformance with this section.

The minimum density in the R-3 Zone is 7 units per acre and the maximum is 21.7 units per acre.

- Total Site Area = 3.5 acres
- Proposed Units = 63 (3 Single Family Homes and 60 apartment units)
- Density = 18 units per acre

All required building setbacks are shown on the Tentative Plat and Site and Utility Plans. The proposed height of the apartment buildings, as detailed on the architectural plans, is 39'-1-1/2", which is less than the maximum permitted height of 45 feet.

(5) Design Standards. All new one to four dwelling units, accessory dwelling units, townhouses, cottages, and apartments must comply with the design standards found in MDC [18.30.190](#). Townhomes, apartments, and cottages must also comply with design standards in MDC [18.40.020](#), Site plan review, and MDC [18.40.030\(7\)](#), Standards for Approvals for Needed Housing. Additional design standards apply to townhouses and cottage clusters. See MDC [18.30.191](#) and [18.30.192](#). Expansions of structures that add area to any street-facing façade are subject to MDC [18.30.190\(3\)\(b\)\(i\)](#). Remodels that convert an attached garage are subject to MDC [18.30.190\(3\)\(b\)\(ii\)](#).

**Applicant Response:** Design Standards for the proposed apartment buildings are addressed in subsequent sections of this narrative.

(6) Off-Street Parking Regulations.

- (a) See MDC Table [18.25.050-1](#), Required Vehicle Parking.

**Applicant Response:** Vehicle Parking is provided and the standards are addressed in Section 18.25 of this narrative.

(7) Sanitation Regulations. Before any structure receives a certificate of occupancy, it must be connected to the City sewer system if the structure is within 300 feet of an existing public sewer line.

(8) Water Regulations. Before any structure receives a certificate of occupancy, it must be connected to the City water system unless authorized by the City for connection to an adjoining water system.

**Applicant Response:** New public water and sewer mains will be constructed in the proposed private street. Water and sewer services will be stubbed to each of the proposed lots prior to recording of the final plat. The site will be served by Deschutes Valley Water District and City of Madras sewer.

(9) Flood Hazard Areas. Any structure proposed to be located in the flood hazard area must meet the standards of the Federal Emergency Management Agency (FEMA) and Chapter [18.45](#) MDC.

**Applicant Response:** The subject property is not located in a flood hazard area. This criteria does not apply.

(10) Lighting. All lighting must comply with the outdoor lighting standards. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 955 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. B), 2020; Ord. 933 § 3.4, 2019.]

**Applicant Response:** Site lighting is proposed throughout the development as shown on the architectural plans.

#### **SECTION 18.15.050 Multifamily residential (R-2).**

Repealed by [Ord. 968](#). 18.15.060 Planned residential development (R-3).

**Applicant Response:** The R-2 Zone criteria does not apply to this project.

### **Chapter 18.20: PUBLIC IMPROVEMENT AND SITE DEVELOPMENT STANDARDS**

#### **SECTION 18.20.010 Compliance required.**

All development must be in compliance with this chapter. The term “public improvement standards” is not intended to be limited to publicly owned improvements but to any improvements governed or regulated by this chapter. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.1, 2019.]

**Applicant Response:** This section is a Purpose Statement and it does not contain any measurable approval criteria or development standards.

**SECTION 18.20.020 Streets.**

(1) Access. No development may occur unless the development has frontage or approved access to a public or private street and the following standards are met:

(a) Streets within or adjacent to a development must be improved in accordance with the design and construction standards.

(b) Development of new streets, and additional street width or improvements planned as a portion of an existing street, must be improved in accordance with this section, and public street right-of-way and private street easements must be dedicated to the City.

(c) All new and/or existing streets and alleys must be paved per the design and construction standards.

**Applicant Response:** The development has frontage on NE Oak Street and the proposed private street meets the criteria in sections a, b and c above.

(2) General. The location, width, and grade of streets must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system must assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Subdivisions must provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City has adopted a master development plan, street plan, or plat of a neighborhood or area of which the development is a part, the development must conform to such adopted plans or plat.

**Applicant Response:** The proposed private street is designed to meet City standards and specifications and has been placed in the portion of the NE Oak Street frontage with the least amount of topography. See Sheet 4.0 Site and Utility Plan for details.

(3) Existing Streets. Whenever existing streets, adjacent to or within a development, are of inadequate width to accommodate the increase in traffic expected from the development or by the City's transportation policies, additional right-of-way must be provided at the time of the land development by the applicant. During consideration of the development, the City Public Works Director will determine whether the improvements to existing streets, adjacent to or within the development, are required. If so determined, such improvements shall be required as a condition of approval of the application. Improvements to adjacent streets shall be required where traffic on said streets is directly affected by the proposed development.

(4) Minimum Right-of-Way and Roadway Width. The street right-of-way and roadway surfacing widths must be in conformance with standards and specifications set forth in the design and construction standards.

**Applicant Response:** The proposed private street and sidewalk are in a 48.5 foot wide tract, with a 26 foot wide paved width, which is in conformance with the private street standards. See planning drawings for details.

(5) Extension of Streets. Streets must be extended “to and through” the development, meaning that streets meeting the design and construction standards are extended along all frontages. The resulting dead-end streets may be approved without a permanent turn-around.

**Applicant Response:** The properties adjacent to the project site are developed, which precludes a “to and through” street connection. The proposed private street connects to NE Oak Street and extends north into the site, ending in the proposed apartment development.

(6) Frontage and Access. If a development abuts or contains an existing or proposed collector or arterial street, the Public Works Director shall restrict or limit access by means consistent with the design and construction standards. The Public Works Director may require private streets with access easements, reciprocal access easements, access restriction agreements, reserve strips, or similar requirements to achieve the objectives of this subsection. Provision may be made for emergency access. All private streets and access drives must comply with applicable standards set forth in the design and construction standards.

**Applicant Response:** The property has approximately 160 feet of frontage on NE Oak Street and the new private street is proposed on the portion of the frontage with the least amount of topography. There is an existing power pole that will need to be relocated and the developer is coordinating with Pacific Power.

(7) Continuation of Streets. New streets or street extensions that constitute the continuation of existing streets in contiguous territory must be aligned along their respective centerlines to produce a straight street. Where straight line continuations are not possible, such centerlines shall be continued as curves. These streets or the continuation of streets in contiguous territory may be required by the Public Works Director where such continuation is necessary to maintain the function of the street or desirable to support development of the surrounding area. Where solar orientation would not be possible if the street area continued, a new pattern acceptable to the Public Works Director may be started that is solar-oriented.

**Applicant Response:** The proposed private street is not an extension or continuation of an existing street. This criteria does not apply.

(8) Street Layout. Streets should be oriented to form a grid to the greatest possible extent.

(9) Intersection Angles. Street intersections must be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

**Applicant Response:** As proposed, the private street and the new local street intersect at a 90 degree angle. This standard has been met.

(10) Street Names. Except for extensions of existing streets, no street name may be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers must conform to the established pattern in the City and are subject to the approval of the Fire Department and Public Works Director.

**Applicant Response:** The proposed name for the private street is NE Stone Oak Court.

(11) Alignment and Separation. The alignment of streets and the separation distances between streets shall be governed by the design and construction standards. [Ord. 933 § 4.2, 2019.]

**Applicant Response:** The minimum separation distance for a local street is 150 feet. The closest intersections are 420 feet away (NE Oak Street and NE 12<sup>th</sup> Street) and 480 feet away (NE Oak Street and NE Hillcrest Street) measured centerline to centerline. The parking lot for the Willow Creek Apartments is approximately 230 feet from the centerline of the proposed local street.

#### **SECTION 18.20.030 Sidewalks and pedestrian amenities.**

(1) Sidewalks. Sidewalks are required to be installed along all frontages of the subject property and on both sides of internal streets unless waived by the Public Works Director. The location of the sidewalks, whether curb side or property lines, will be determined by the Public Works Director.

**Applicant Response:** Sidewalk is proposed along the west side of the proposed private street, throughout the apartment development as well as along the southern property boundary on the north side of NE Oak Street. This standard has been met.

(2) Bicycle Routes/Multi-Use Paths. If appropriate to the extension of a system of bicycle routes and multi-use paths, existing or planned, the City may require the installation of separate bicycle lanes within streets and/or the dedication of easements or rights-of-way for multi-use paths. [Ord. 933 § 4.3, 2019.]

**Applicant Response:** No bicycle routes or multi-use paths are proposed or required with this project. This criteria does not apply.



**SECTION 18.20.040 Frontage and access.**

Except as otherwise provided herein, every lot must abut a street (other than an alley) for at least 50 feet and access to all lots or parcels must comply with the access management strategies contained in the Transportation System Plan. Notwithstanding the foregoing, townhome/zero-lot line subdivisions (as defined in MDC [18.60.110](#)) may have as little as 25 feet of frontage, properties abutting a cul-de-sac only require 30 feet of frontage, properties within commercial zones may have as little as 30 feet if access is shared with at least one adjoining property with no less than 30 feet of frontage, and cottage lots within a cottage cluster subdivision need not have any frontage when abutting a public utility easement that connects to a street (to allow for extension of utilities to the lot) and access easements acceptable to City are provided to the cottage lot.

Table 18.20.040.

Type of Development	Minimum Frontage
Regular lot	50 feet
Townhome/zero-lot line subdivision	25 feet
Lots fronting a cul-de-sac	30 feet
Lots in commercial zones	30 feet if access is shared with at least one adjoining property with no less than 30 feet of frontage
Cottage lots in cottage cluster	0 feet when abutting a public utility easement that connects to a street (to allow for extension of utilities to the lot) and access easements acceptable to City are provided to the cottage lot

[Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.4, 2019.]

**Applicant Response:** All of the proposed lots meet or exceed the minimum frontage requirements of this section. See Sheet C-3.0 Tentative Subdivision Plat for details.

**SECTION 18.20.050 Utilities.**

(1) **Underground Facilities.** All permanent utility services, both existing and any new proposed utilities infrastructure, must be provided from underground facilities and no overhead utility service shall be permitted; with the exception of poles or electroliers used exclusively for street

lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground. All development must:

- (a) Provide underground electricity and telephone service and wiring for future street lighting. The developer must also provide such present street lighting, gas lines, and cable television or other data transmission lines as may be required by the City Public Works Director.
- (b) Obtain all necessary permits for the placement of all underground utilities.
- (c) Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with the rules and regulations of the Public Utility Commission of the State of Oregon.
- (d) All underground utilities, sewer lines, and storm drains installed in streets must be constructed prior to the surfacing of such streets to the extent practicable, and sewer lines must be placed to such lengths as will obviate the necessity for disturbing the street improvements when service connections are made.
- (e) Utilities must be installed prior to paving or other surface improvements.

**Applicant Response:** As shown on the tentative plans, the proposal includes extending utilities underground. The applicant has worked with all utility providers, has provided will serve letters, and will continue to work with providers to ensure easements are provided and recorded where needed. Any needed easements will be recorded prior to final plat. As proposed the design conforms to these standards.

(2) Utility Easements. Easements must be provided along property lines when necessary for the placement of utilities. Such easements must be “public utility easements” and must be marked as such on a final plat or any instrument dedicating such easements. Unless otherwise approved by the Public Works Director, utility easements must be at least 12 feet in width and centered on lot lines where possible.

**Applicant Response:** A public utility easement is proposed along the property line adjacent to the new private street. The proposed PUE is 12 feet in width and will be shown on and recorded with the final plat.

(3) Deferred Development. Locating or relocating utility installations underground for any development may be deferred when, in the discretion of the Public Works Director, impacts on existing utilities, timing of utility projects, or other considerations make deferral advantageous. Any such deferral must be memorialized in an instrument recorded against the property. [Ord. 933 § 4.5, 2019.]

**Applicant Response:** There is no deferred development proposed. This criteria does not apply.

**SECTION 18.20.060 Street trees.**

(1) Purpose. This section sets standards and requirements for planting trees along all streets for shading, comfort, safety, and aesthetic purposes and is intended to implement the City of Madras Urban Forestry Plan. Requirements for street tree planting and tree wells are provided herein. Planting along unimproved streets must be deferred until after the construction of curbs and sidewalks. Such deferrals must be secured with a bond or cash deposit acceptable to the City. Street trees must conform to the following standards and guidelines:

(a) Street trees must be selected from the following list of preferred trees or of a species approved by the City Public Works Director:

Cherry (Japanese Flowering)  
Crab Apple (Pink, Red, White)  
Golden-Raintree  
Hawthorn (English, Lavalley, Washington)  
Pear, Flowering  
Plum, Flowering Purple  
Redbud, Eastern  
Ash (Green, White)  
Birch, River  
Catalpa, Northern  
Ginkgo  
Hackberry, Common  
Honeylocust, Common Thornless  
Linden (American, Crimean, Littleleaf)  
Maple (Crimson King, Schwedler, Emerald Queen, Sugar)  
Pagoda Tree, Japanese  
Sweetgum, American  
Beech (American, European)  
Kentucky Coffeetree  
Oak (Bur, Pin, Red, Scarlet, White)  
Planetree, London

(b) All trees must have at least a one-inch caliper trunk and must be planted in accordance with City specifications.

(c) Trees must be spaced 30 to 40 feet apart or as recommended by the Public Works Director and must be planted no closer than 35 feet from any intersection.

(d) Street trees must be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees must be planted no closer to the curb or sidewalk than three feet, medium trees – three feet, and large trees – four feet. Root barriers may be required with street tree planting to protect the City’s curbs and sidewalks.

(e) The placement of street trees may be waived if the Public Works Director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, or public or private utilities.

(f) For land divisions, the Public Works Director may defer the planting of street trees until physical development of the site where anticipated development may result in street trees being damaged or having to be replaced.

(g) All street trees must be maintained in a healthy and aesthetically pleasing manner. Any tree that dies or becomes diseased must be removed and replaced with a healthy tree within a reasonable time period of noticing that a tree needs to be removed. [Ord. 933 § 4.6, 2019.]

**Applicant Response:** Proposed street trees have been selected from the preferred tree list. They will be a minimum of 1’ dbh when planted. No trees will be planted closer than 35 feet from a street intersection. Specifically, the Golden-raintree is proposed along the main roadway to the apartments.

**SECTION 18.20.070 General provisions.**

(1) Street Lighting. The developer must provide street lighting with underground wiring to the standards set forth in the design and construction standards.

**Applicant Response:** Street lighting will be provided as required by the design and construction standards.

(2) Fire Hazards. The Fire Marshal must approve the placement of fire hydrants or other firefighting apparatus, and the points of access to the subdivision to provide the residents adequate fire safety and assured access for emergency vehicles and ease resident evacuation.

**Applicant Response:** A new fire hydrant is proposed on the private street. Detailed design will be provided with a subsequent engineering plan review for the site infrastructure.

(3) Water/Sewer. All development must provide water and sewer lines “to and through” the proposed development, be constructed to the design and construction standards, and approved by the City Public Works Director. All lots must be served from the City of Madras water system or by water systems acceptable to the City. Water mains and service lines must be installed prior to the curbing and paving of new streets. [Ord. 933 § 4.7, 2019.]

**Applicant Response:** Water and sewer mains are proposed to be extended into the site from NE Oak Street and will terminate in the proposed apartment development. The surrounding properties are developed and preclude the ability and need to extend “to and through”.

**SECTION 18.20.080 Grading and drainage.**

(1) Grading. Except with the approval of the Public Works Director, grading or clearing is not permitted prior to receipt of land use approval. All grading must be performed to the standards set forth in the design and construction standards including, without limitation, requirements for dust abatement and noxious weed prevention.

**Applicant Response:** The applicant understands that grading and clearing are not permitted prior to land use approval. Dust control will be addressed on the site engineering plans for infrastructure and grading.

(2) Drainage. Unless otherwise approved by the Public Works Director, all drainage must be managed on site. All development requiring grading must submit a stormwater management plan prepared by a licensed engineer demonstrating how the development will comply with the design and construction standards.

**Applicant Response:** Runoff from lots will be retained on the site to the greatest extent possible, per City Requirements, via private catch basins, sediment manholes and drywells. Stormwater in the proposed private street will be collected in catch basins and conveyed to sediment manholes and drywells.

(3) Watercourse. If a development is traversed by a watercourse, such as a drainage way, channel, or stream, the developer must dedicate a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse or in such further width as will be adequate for the purpose as determined by the Public Works Director. Streets or parkways parallel to major watercourses and drainage ways may be required. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.8, 2019.]

**Applicant Response:** There are no existing water courses on the project site. This criteria does not apply.

**SECTION 18.20.090 Special setbacks.**

(1) If special building setback lines are to be established as part of a development, they must be shown on the tentative plan or other submittal document and memorialized on the final plat or in other deed restrictions satisfactory to the City.

**Applicant Response:** No special setbacks are required or proposed. This criteria does not apply.

(2) If development is proposed along a street with substandard right-of-way, development on the subject property must be set back a distance from the centerline of the right-of-way equal to one-half (1/2) of the applicable minimum right-of-way width based on street classification as identified in the Transportation System Plan, plus the applicable setback for the zone in which the subject property is located. [Ord. 933 § 4.9, 2019.]

**Applicant Response:** The only street frontage is along NE Oak Street, which has a standard right-of-way width and is fully improved aside from a missing section of sidewalk along the project site. The missing sidewalk will be installed as part of this project.

#### **SECTION 18.20.100 Improvement procedures.**

In addition to other requirements, improvements to be installed by the applicant, either as a requirement of this Development Code or other applicable regulations, or at the election of the applicant, must conform to the requirements of this section.

(1) Plan Review and Approval. Improvement work must not be commenced until plans have been reviewed by the Subdivision Committee established pursuant to MDC [18.60.040](#). To the extent necessary for evaluation of a proposed development, such improvement plans may be required before land use approval.

(2) Improvements as Approved. Improvements must be designed, installed, and constructed as approved.

**Applicant Response:** The applicant understands that improvements must be installed and constructed as approved.

(3) Improvement Plans. Plans and maps stamped by a licensed engineer showing public improvements must be filed with the City Public Works Department prior to commencing the work.

(4) Inspection. Improvements must be constructed under the inspection and approval of the Public Works Director. The Public Works Director may accept certification of a registered professional engineer consistent with ORS [92.097](#). Expenses incurred shall be borne by the applicant.

(5) As-Built. "As-built" drawings stamped by a licensed engineer must be filed with the City upon completion of the public improvements. [Ord. 933 § 4.10, 2019.]

**Applicant Response:** As-built drawings will be provided by the Engineer of Record upon project completion and City acceptance of infrastructure.

**SECTION 18.20.110 Acceptance of improvements.**

Improvements must be considered for acceptance after inspection by the City Public Works Department at the time the improvements are constructed. [Ord. 933 § 4.11, 2019.]

**Applicant Response:** The applicant understands that improvements must be inspected and accepted by the City upon completion and prior to plat recording.

**SECTION 18.20.120 Public park dedication/park fund.**

All subdivisions must comply with the following standards:

- (1) All subdivisions must dedicate at least eight percent (8%) of the gross area of the property proposed to be subdivided to the City of Madras for public parks, open space, trails, and other recreational purposes.
- (2) The Public Works Director will determine the manner in which the property is dedicated or conveyed to the City including, without limitation, the form of the instrument and the timing of the dedication or conveyance.
- (3) Property dedicated to the City for public parks, open space, trails, and other recreational purposes should be located to ensure maximum access, visibility, use, reduce maintenance needs, to maintain public safety, and minimize adverse impacts to neighboring residents and must otherwise:
  - (a) Be consistent with the provisions of the City of Madras Parks and Open Space Master Plan;
  - (b) Front at least two public streets;
  - (c) Be located on a part of the site that can reasonably be developed with public parks, open space, trails, and other recreational purposes as determined by the Public Works Director considering: slope, topography, watercourses, drainage facilities, rock outcroppings, underground and overhead utility services, easements and encumbrances, availability of domestic water and sewer service, and proximity to existing or planned streets; and
  - (d) Comply with the City's Transportation System Plan, Trails Plan, and Safe Routes to School Plan standards and specifications for trail improvements.

**Applicant Response:** The project site does not contain an area suitable to the criteria listed above. The applicant understands that a fee-in-lieu may be required in place of a land dedication for public parks.

(4) Trails crossing public right-of-way used for vehicular transportation (i.e., road crossings) must comply with standards specified in the City's Transportation System Plan, Trails Plan, Safe Routes to School Plan and Americans with Disabilities Act (ADA) including, without limitation, location, sight distances, and construction specifications.

**Applicant Response:** There are no trail crossings in close proximity to this site. This criteria does not apply.

(5) The Public Works Director, in his or her sole discretion, may allow a payment in lieu for all or a part of the required dedication of property to the City of Madras for public parks, trails, and recreational purposes. If a developer is permitted to pay fees to the City of Madras in lieu of dedicating property, the fees must be equal to eight percent (8%), or a proportionately lesser amount if a partial dedication/partial fee in lieu is approved, of the real market value (RMV) of the property proposed to be subdivided. The RMV of the property shall be established from the most recent tax assessment for the property proposed to be subdivided by the Jefferson County Assessor.

(6) Expenditure of Funds. Funds collected from a developer in lieu of dedicating public park, trail, and recreation land shall be credited to a park acquisition and development fund and must be deposited with the City Finance Director prior to the final plat of the subdivision (for multi-phase subdivisions, prior to phase 1 final plat approval). Such funds may be expended only on order of the City Council for the purpose of acquiring, developing, or maintaining existing land for parks, trail, or recreational purposes. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 4.12, 2019.]

**Applicant Response:** The applicant understands that a fee-in-lieu may be required in place of a land dedication for public parks.

#### **SECTION 18.20.130 Waiver, modification, and deferral of public improvement standards.**

(1) Authority to Grant Waiver, Modification, or Deferral. Waivers, modifications, and/or deferrals of the standards of this chapter and/or the design and construction standards may be granted as part of a development approval only if the criteria of subsection [\(2\)](#) of this section are met.

(2) Criteria. The Public Works Director may waive, modify, or defer any requirement of the Public Improvement Standards and/or the design and construction standards if the Public Works Director finds that: (1) the waiver or modification will not harm or will be beneficial to the public in general; (2) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of ensuring adequate public facilities; and (3) one or more of the following conditions are met:



- (a) The modification or waiver is necessary to eliminate or reduce impacts on existing drainage patterns or natural features such as riparian areas, significant trees or vegetation, or steep slopes.
- (b) An existing structure, such as a substantial retaining wall, makes widening a street or right-of-way or required placement of lines impractical or undesirable.
- (c) Street access to an existing lot would be eliminated without the waiver or modification.
- (d) Building on an existing lot would be infeasible without the waiver or modification.
- (e) The standard is a street or right-of-way standard and existing structures on the same side of the block make future widening of the remainder of the street or right-of-way unlikely and the additional width on the development site would not be beneficial for sidewalks or parking without the extension for the rest of the block.
- (f) The modification or waiver is needed to allow development of, or street access to, the property because of topographical constraints.
- (g) The existing infrastructure: (i) does not meet current standards; (ii) is and will remain functionally equivalent to current standards; and (iii) there is little likelihood that current standards will be met in the area.
- (h) The installation of the required improvements would likely cause unacceptable significant adverse environmental impacts and the waiver/modification would avoid such impacts.
- (i) There is insufficient right-of-way to allow a full width street cross-section and additional right-of-way cannot be provided.
- (j) There is no street or right-of-way adjacent to the property and easement access has been obtained across private property.
- (k) Required street frontage improvements for individual single-family dwellings could best be accomplished by planned area-wide improvements at a future date.
- (l) The City has conflicting or inconsistent standards and the proposal would comply with one set of adopted standards. Standards are conflicting or inconsistent only when it is not possible to comply with both. In most situations, the more recently adopted standard should be followed and the older standard may be waived.

(m) There is a readily identifiable future project in which the required improvements or other obligation of the developer under the Public Improvement Standards will be satisfied and deferral to the future project will not unduly burden the ability to serve the subject property or adjoining properties with public facilities.

(n) Maximization of the number of lots or parcels in a land division is not a reason to allow a waiver or modification.

**Applicant Response:** No waivers are requested with this application. This criteria does not apply.

(3) Other Requirements Not Waived. Any waivers under this section do not exempt the developer from submitting plans that meet all other applicable specifications.

(4) Application Requirements. The application for a waiver, modification, or deferral must be in writing submitted as part of a development application and shall be subject to applicable fees established by the City Council. The application must specify which requirement(s) of this chapter and/or the design and construction standards are at issue and which of the condition(s) listed above are met. The application must contain a statement explaining why the deviation from the required standards is necessary and why the waiver or modification sought will not harm or will be beneficial to the general public.

(5) Conditions. The City may impose any condition of approval necessary to satisfy the purposes of this chapter, including, without limitation, requiring a signed agreement not to remonstrate against the formation of a local improvement district. [Ord. 933 § 4.13, 2019.]

**Applicant Response:** No waivers are requested with this application. This criteria does not apply.

#### **SECTION 18.20.140 Improvement agreement.**

(1) A developer may, in lieu of constructing required public improvements, request the City Administrator to approve an agreement between himself and the City specifying the schedule by which the required improvements and repairs must be completed; provided, however, any schedule of improvements agreed to must not exceed three years from the date the approval establishing the required improvements becomes final. The agreement must also provide the following information:

(a) A list of all the contractors who will construct or complete the improvements and repairs required, and the cost of the project.

(b) That developer must post a performance bond or other security acceptable to the City and that the City may call upon the security filed to construct or complete the improvements and repairs if the schedule of improvements is not adhered to.

(c) That the City shall recover the full cost and expense of any work performed by the City to complete construction of the improvements and repairs, including, but not limited to, attorneys' and engineering fees.

(d) That a warranty bond for one year must be deposited with the City following acceptance of the improvements. Said bond must be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director.

(e) A waiver of remonstrance against formation of a local improvement district if the required improvements are not timely completed.

(f) Such other provisions as deemed appropriate by the City.

(2) The City Administrator may reject an agreement authorized by this section for any reason the Administrator deems sufficient. [Ord. 933 § 4.14, 2019.]

**Applicant Response:** The developer understands that if an improvement agreement is put in place in lieu of completed required improvements, a bond or other financial security will be required.

**SECTION 18.20.150 Bond, cash deposit or guarantee.**

(1) If the City Administrator allows a developer to enter into an improvement agreement in lieu of completing required improvements, the developer must file one of the following to assure full and faithful performance under the improvement agreement:

(a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney;

(b) A cash deposit in a City account at an approved lending institution; or

(c) Other security satisfactory to the City.

(2) The value of the security provided by the developer must be for one hundred twenty percent (120%) of the cost of the improvements and repairs as determined by the Public Works Director.

(3) If the developer fails to carry out the provisions of the agreement, the City may call upon the bond, cash deposit, or other security to finance any cost or expenses resulting from said failure. The City may also elect to form a local improvement district to lien the properties in accordance with the relevant provisions of Oregon State Law and Madras City Code. If the amount of the deposit or bond exceeds the cost and expense incurred by completing the improvements, the City shall release the remainder. If the amount of the deposit or bond is less

than the cost and expense incurred by the City for the improvements and repairs, the developer is liable to the City for the difference. [Ord. 933 § 4.15, 2019.]

**Applicant Response:** The developer understands that if an improvement agreement is put in place in lieu of completed required improvements, a bond or other financial security will be required.

**SECTION 18.20.160 Street dedications.**

Any person desiring to create a street that is not part of a subdivision or partition must make written application to the City Public Works Department. Said application must be accompanied by the required information and appropriate filing fee. [Ord. 933 § 4.16, 2019.]

**Applicant Response:** All proposed street dedications will be done as part of the subdivision through the final platting process.

**SECTION 18.20.170 Minimum design standards.**

The minimum standards of design and improvements for the dedication of a street shall be the same as set forth in the design and construction standards and must be in compliance with other applicable street standard regulations. [Ord. 933 § 4.17, 2019.]

**Applicant Response:** All proposed public streets have been designed to meet the applicable street standard regulations. Detailed engineering plans will be submitted for review upon land use approval.

**SECTION 18.20.180 Procedure for street dedications.**

(1) Upon receipt of written application and appropriate filing fee for a street dedication, the request shall be forwarded to the Public Works Director for review and recommendation.

(2) If access to a County road or state highway is planned, the necessary permits must be obtained prior to approval.

(3) The Public Works Director shall forward the proposal to the City Council for a public hearing.

(4) The only notice required for a hearing under this section shall be by publication.

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(5) The City Council may accept, reject, or accept the proposal with conditions to the proposed dedication. [Ord. 933 § 4.18, 2019.]

**Applicant Response:** The applicant understands the requirements for dedication of public streets.

## Chapter 18.25: SUPPLEMENTARY PROVISIONS

### SECTION 18.25.010 Maintenance of minimum requirements.

No lot may be reduced below the minimum square footage required by this Development Code except that legal nonconforming lots may be increased in size even if below the minimum square footage required by this Development Code. [Ord. 933 § 5.1, 2019.]

**Applicant Response:** All proposed lots meet the minimum square footage requirements.

### SECTION 18.25.020 Internal pedestrian circulation.

#### (1) Affected Developments.

- (a) All nonresidential development.
- (b) Institutional development and public buildings.

#### (2) Walkway Locations.

- (a) A walkway must be provided to each street abutting the property.
- (b) A walkway must be provided for every 300 feet of street frontage, or for every eight rows of vehicle parking.
- (c) A walkway must be provided to any site that is not bordered by a street.

**Applicant Response:** Walkways and ADA accessible routes are provided throughout the site, along one side of the proposed private street and the site frontage on Oak Street. See Site Plan for details.

#### (3) Connections.

- (a) Walkways must connect building entrances to one another, and to public streets which are existing or planned transit stops.
- (b) On-site walkways must connect with sidewalks, bike paths, alleyways, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use.
- (c) Walkways and driveways must provide a direct connection to walkways and driveways on adjacent developments.

(d) Potential pedestrian connections between the proposed development and the existing or future development on adjacent properties, other than connections via the street system, must be identified. The development application must designate these connections on the proposed site plan, or findings must be submitted demonstrating that the connection is infeasible.

**Applicant Response:** All buildings, common areas and streets are connected via walkways. There are no future developments on adjacent properties to plan connections to. See planning drawings for details.

(4) Dedications. Rights-of-way or public easements must be provided for all required walkways that provide a direct connection to adjacent properties.

(5) Exemptions. A required walkway or walkway connection need not be provided where another required sidewalk or walkway route provides a reasonably direct route. An alternate route is reasonably direct if the walking distance increases by less than fifty percent (50%) but not more than 100 feet over the other required route. Walkways are required between most parts of a site that people on the site normally would or could walk between. Walkways are not required between buildings or portions of a site which are not intended to be used by pedestrians. Such buildings and features include truck loading docks and warehouses; not including office/warehouse combinations, automobile sales lots, temporary uses, or outdoor storage areas.

(6) Routing.

(a) Walkways must be as direct as possible and avoid unnecessary meandering. Pedestrian walkways must be directly linked to entrances and internal circulation of the building.

(b) Driveway crossings must be minimized. Internal parking lot circulation and design must maintain ease of access for pedestrians from streets and transit stops.

**Applicant Response:** All proposed sidewalks within the development will be privately owned and maintained.

All proposed walkways throughout the site are as direct as possible. The proposed walkway behind Building 3 meanders in order to provide an ADA route with the required slopes and appropriate landings.

(7) Design.

(a) Walkways must be at least five feet in paved width. Walkways bordering parking spaces must be at least seven feet wide unless concrete bumpers, bollards, or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.

(b) Pedestrian-scale lighting fixtures must be provided along all walkways. On-site pedestrian walkways must be lighted to a level where the system can be used at night by employees, residents, and customers.

(c) Stairs or ramps must be provided where necessary to provide a direct route. Walkways without stairs shall have a maximum slope of eight percent (8%) and a maximum cross slope of two percent (2%).

(d) Internal driveways crossing walkways must be a maximum of 14 feet wide for parking lots of less than 20 vehicles and a maximum of 18 feet wide for parking lots of more than 20 vehicles.

(e) Walkways on private property that provide direct links between publicly owned pedestrian routes must be placed in public easements. Where public access is to be provided on private land, easements must be provided.

(f) Walkways along nonresidential building frontages must be covered with awnings or building overhangs. The minimum vertical clearance is nine feet for awnings and 12 feet for building overhangs. Structural supports and facades for building overhangs must not obscure more than ten percent (10%) of the area between the building and the street.

(g) The on-site circulation system must incorporate a streetscape which includes curbs, sidewalks, pedestrian scale light standards, and street trees.

(h) Walkways must be constructed to sidewalk standards except for portions of walkways in driveways and other vehicle maneuvering areas which must be raised at least three inches and paved with a different material than the surrounding driveway.

**Applicant Response:** All proposed walkways meet the criteria listed above and the design details can be found in the submitted planning drawings.

(8) ADA Compliance. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. For example, the maximum slope for walkways subject to the ADA is five percent (5%). Walkways up to eight percent (8%) slope are treated as ramps with special standards for railings and landings. The ADA applies primarily to the walkway which is the principal building entrance and walkways that connect transit stops to building entrances. Where ADA applies to a walkway, the stricter standards of ADA should apply. [Ord. 933 § 5.2, 2019.]

**Applicant Response:** All ADA routes have been designed in conformance with these standards.

### **SECTION 18.25.030 Fences.**

Fences, hedges, and walls not more than eight feet in height are permitted on all front, rear, and side property lines of the parcel. However, the vision clearance areas must be maintained. [Ord. 933 § 5.3, 2019.]

**Applicant Response:** A six foot cedar privacy fence is proposed around the perimeter of the apartment development, as shown on the planning drawings. Additionally, a chain link fence is proposed around the portions of the dog park that do not abut the perimeter fencing.

### **SECTION 18.25.040 Off-street parking and loading.**

General provisions are as follows:

(1) The provision and maintenance of off-street parking and loading spaces are a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, they must ensure these requirements are complied with.

**Applicant Response:** Off-street parking will be owned and maintained by the property owner, in accordance with this standard.

(2) Requirements for types of buildings and uses not specifically listed in this Development Code shall be determined by the decision maker based upon the requirements for comparable uses listed.

**Applicant Response:** The building use is residential – apartments which is a listed use in the Development Code.

(3) Required parking spaces must be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

**Applicant Response:** The off-street parking will be available for residents and guests of residents.

(4) Loading. Buildings or structures to be built or substantially altered that receive and distribute materials and merchandise by trucks must provide and maintain off-street loading berths. Off-street parking areas used to fulfill requirements of this Development Code must not be used for loading and unloading operations except during periods of the day when not required to meet parking needs.



(a) In any zone in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales, a hotel, a hospital, a mortuary, a laundry, dry cleaning establishment, or other uses similarly requiring the receipt or distribution by vehicles or materials or merchandise, at least one off-street loading berth, plus one additional off-street loading berth for each 20,000 square feet there, must be provided and maintained. Said loading berth(s) must be provided with access, driveways, and surfacing in the same manner as for off-street parking, except that each space must be at least 10 feet wide and 22 feet long with a height clearance of at least 14 feet. A sight-obscuring screen, berm, or landscaping must conceal all loading areas from view from public streets or roads.

(b) Loading and unloading of merchandise, equipment, etc., is not permitted from public streets or roads. [Ord. 933 § 5.4, 2019.]

**Applicant Response:** No loading or unloading zones are proposed. This standard does not apply.

#### **SECTION 18.25.050 Off-street parking.**

All buildings and uses must comply with the parking requirements set forth in this section.

(1) Amount Required. The number of required off-street vehicle parking spaces shall be determined in accordance with MDC Table 18.25.050-1. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway, or landscape area.

(a) Where parking requirements are based on the square footage of a building, the applicable square footage shall be the gross floor area of the building excluding any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

(b) For uses not specified in MDC Table 18.25.050-1, the decision maker must determine the minimum number of required parking spaces as part of the development review process accompanying the proposed use, based upon similar uses listed in MDC Table 18.25.050-1 or other substantial evidence of expected parking demand.

(c) In the event that several uses occupy a single structure or parcel of land, the total requirements of off-street parking shall be the sum of the requirements of the several uses computed separately. Notwithstanding the foregoing, the total requirement may be reduced by an amount determined by the decision maker where the applicant sufficiently

demonstrates that peak parking demands are less because of differing peak parking demand periods among the uses.

(d) Owners of two or more parcels of land may agree to share parking and loading spaces; provided, that the parking areas supporting a particular use are located within 500 feet of that use and satisfactory legal evidence is presented to the City in the form of deeds, leases, or contracts to establish shared use of parking facilities. Notwithstanding the foregoing, the total parking requirement on the parcels subject to the shared use arrangement may be reduced by an amount determined by the decision maker where the applicant sufficiently demonstrates that peak parking demands are less because of differing peak parking demand periods among the uses sharing the parking facilities.

(e) Parking Within the C-2 and C-3 Zoning Districts. No minimum off-street parking is required for buildings and uses within the C-2 and C-3 zoning districts. Whether or not off-street parking is constructed with the C-2 or C-3 zoning districts, no developer, property owner, tenant, or any other party holds any rights or entitlements to public on-street parking stalls (beyond their availability to the general public as regulated by City) or to any publicly owned off-street parking facilities (beyond that provided to the general public as regulated by City or as provided by a special agreement or program established by City) nor is City precluded from altering or removing such parking stalls or facilities. Any on-street parking stalls or off-street parking facilities constructed within the C-2 and C-3 zones must meet applicable dimensional requirements.

**Applicant Response:** The site is not within the C-2 or C-3 Zoning Districts. This standard does not apply.

(2) Location.

(a) Except as allowed pursuant to MDC [18.40.040\(8\)](#), no automobile parking, with the exception of accessible parking, is permitted between the building and an arterial or collector street unless the Community Development Director determines there is no feasible alternative to provide the required parking. If a building setback is provided, the setback area must be paved with a hard surface (concrete or unit pavers, not asphalt) and must incorporate seating and landscaping. A public entrance must be within 100 feet of the right-of-way of an arterial or collector street.

(b) Development on lots or sites with three frontages may have vehicle parking areas between the building and one of the streets. Development on full blocks may have vehicle parking areas between the building and two of the streets. However, the parking area must be between a local street and the building, not an arterial, other than a freeway or other fully controlled access highway.

(c) Parking lots with 50 spaces or more must be divided into separate areas and divided with landscaped areas or walkways at least 10 feet in width or by a building or group of buildings.

**Applicant Response:** The site has 63 proposed parking spaces that are separated into two parking areas. The two areas are separated by the central building (Building 3) and a slope with a switchback walkway. See planning drawings for details.

(d) Parking lots cannot occupy more than thirty-three percent (33%) of the subject property’s street frontage. Parking areas should be located behind or to the side of a building. If a property has multiple street frontages, then this standard will apply to the frontage along the highest order street. If all street frontages have the same classification, then this standard will apply to the frontage to which the primary building entrance is located.

**Applicant Response:** The proposed parking does not occupy any of the property’s street frontage.

(e) Required off-street parking spaces for a dwelling must be located on the same lot or parcel as the dwelling. Notwithstanding the foregoing, the Community Development Director may approve off-street parking for a dwelling within the C-2 and C-3 zoning districts to be located off-site, provided the off-site parking area is located within the C-2 or C-3 zoning district. Other required parking spaces must be located not farther than 300 feet from the building or use they are required to serve, measured in a straight line from the building, unless otherwise approved by the Community Development Director.

**Applicant Response:** All proposed parking for the apartment development is located on the same parcel (Proposed Lot 4) as the apartment buildings. This criteria has been met.

Table 18.25.050-1. Required Vehicle Parking

BUILDING/USE TYPE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)	
	LAND USE CATEGORY	
	C-2 and C-3 Zones	All Other Zoning Districts
COMMERCIAL AND INDUSTRIAL		
Office Buildings, Banks	No minimum requirement	2.5 spaces
Business and Professional Services	No minimum requirement	2.86 spaces
Commercial Recreational/Entertainment Facilities	No minimum requirement	10.0 spaces

BUILDING/USE TYPE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)	
LAND USE CATEGORY	C-2 and C-3 Zones	All Other Zoning Districts
Shopping Goods (Retail)	No minimum requirement	2.86 spaces
Convenience Goods (Retail)	No minimum requirement	2.86 spaces
Restaurants and Bars	No minimum requirement	10.0 spaces
Personal Services and Repairs	No minimum requirement	2.86 spaces
Manufacturing	No minimum requirement	2.0 spaces
Warehouses	Not allowed	1.0 spaces
Wholesale	Not allowed	1.5 spaces
RV Park	Not allowed	See MDC <a href="#">18.30.040(2)(l)</a>
Hotels	No minimum requirement	1.0 space per room
Motels	No minimum requirement	1.0 space per room
<b>RESIDENTIAL</b>		
Single-Unit Dwelling	Not allowed as a standalone use; No minimum requirement for a single-unit dwelling in a residential mixed-use development	1.0 space per dwelling unit
Townhomes	See MDC <a href="#">18.30.191(4)(k)</a>	See MDC <a href="#">18.30.191(4)(k)</a>
Accessory Dwelling Units	No minimum requirement	1.0 space per ADU
Apartments	No minimum requirement	1.0 space per dwelling unit
<b>PUBLIC AND INSTITUTIONAL</b>		
Museums and Libraries	No minimum requirement	3.3 spaces
Government Facilities	No minimum requirement	3.3 spaces
Welfare Institutions	No minimum requirement	2.5 spaces
<b>MEDICAL</b>		
Medical and Dental Offices	No minimum requirement	2.86 spaces
Hospitals	No minimum requirement	2.86 spaces
Convalescent Homes or Assisted Living	No minimum requirement	1.0 space per 2 patient beds or 1.0 space per apartment unit
<b>AUDITORIUMS</b>		

BUILDING/USE TYPE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)	
	LAND USE CATEGORY	
	C-2 and C-3 Zones	All Other Zoning Districts
General Auditoriums and Theaters	No minimum requirement	0.25 space per seat
Stadiums and Arenas	No minimum requirement	0.25 space per seat
School Auditoriums	No minimum requirement	0.10 space per seat
University Arenas	No minimum requirement	0.10 space per seat

[Ord. 968 §§ 2.2 (Exh. B), 2.5 (Exh. E), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 955 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. B), 2020; Ord. 933 § 5.5, 2019.]

**Applicant Response:** The proposed use is apartment units, which require one space per unit. The total number of units proposed is 60 and there are 63 parking spaces provided on the site. See planning drawings for details.

**SECTION 18.25.060 Design and improvement standards for parking lots.**

The design and improvement standards for parking lots are:

(1) Parking Table and Diagram. MDC Table 18.25.060-1 provides the minimum dimensions of public or private parking areas based on the diagram on the same page where “A” equals the parking angle, “B” equals the stall width, “C” equals the minimum stall depth, “D” equals the minimum clear aisle width, “E” equals the stall distance at bay side, “F” equals the minimum clear bay width, and “G” is the maximum permitted decrease in clear aisle width for private parking areas.

(2) Each parking space or stall shall be governed by the requirements of MDC Table 18.25.060-1, and in no case have less than a minimum width of eight feet and a minimum length of 18 feet, but in any case must have at least a total area of 144 square feet and must be individually accessible, be paved, and be adequately maintained.

**Applicant Response:** All proposed parking spaces for the apartment development are 9 feet wide and 20 feet long, which meets and exceeds this requirement.

(3) Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling must be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than five feet in height except where vision clearance is required.

**Applicant Response:** There are no loading areas proposed. This criteria does not apply.

(4) Parking spaces along the outer boundaries of a parking lot must be contained by a bumper rail or by a curb which is at least four inches high and which is set back a minimum of one and one-half feet from the property line.

**Applicant Response:** Six inch curbs are proposed throughout the parking lot and no parking spaces are within one and one-half feet of a property line. This criteria has been met.

(5) Artificial lighting shall not shine or create glare in any residential zone or on any adjacent dwelling.

**Applicant Response:** All site lighting will be designed in accordance with these standards and will not shine or create glare on adjacent properties.

(6) Access aisles must be of sufficient width to permit easy turning and maneuvering.

**Applicant Response:** All proposed access aisles are 26 feet in width, which is sufficient for turning and maneuvering. Additionally, the internal curb radius throughout the parking lot is 28 feet in order to accommodate fire truck turning movements.

(7) Except for single-family and duplex dwellings, groups of more than two parking spaces must be located and served by a driveway such that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

**Applicant Response:** All proposed parking for the apartment development is served by the 26 foot wide drive aisles, which provide more than adequate space for backing movements and maneuvering.

(8) Service drives to off-street parking areas must be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.

**Applicant Response:** All service drives within the apartment development are 26 feet wide, which exceeds the minimum requirement.

(9) The following standards apply to parking within the Industrial Zone:

(a) Parking must be located at the rear and sides of a new building; parking can only be allowed in front of the building (between the landscaping and street) upon approval by the Site Plan Committee.

(b) Parking is not allowed on collectors or arterials when industrial zoning is contiguous to said street.

(c) All parking areas shall be limited to 60 spaces plus access. Additional required parking must be separated by a minimum of five-foot landscaped strips except for access. The 60 parking spaces shall be referred to as a cluster of parking.

**Applicant Response:** The proposed development is residential. This section does not apply.

Table 18.25.060-1. Parking Area Dimensions

Angle	Stall Width (ft.)	90° Depth (ft.)	Aisle Width (ft.)	Parallel Length (ft.)	Aisle and Bay (ft.)	Private Aisle Max. Reduction (ft.)
A	B	C	D	E	F	G
Parallel	8.0	8.0	12.0	22.0	20.0	2.0
20°	8.0	13.6	11.0	23.4	24.6	1.0
	8.5	14.1	11.0	24.9	25.1	
	9.0	14.6	11.0	26.3	25.6	
	10.0	15.5	11.0	29.2	25.5	
30°	8.0	16.0	11.0	16.0	27.0	1.0
	8.5	16.4	11.0	17.0	27.4	
	9.0	16.8	11.0	18.0	27.8	
	9.5	17.3	11.0	19.0	28.3	
	10.0	17.7	11.0	20.0	28.7	
45°	8.0	18.4	14.0	11.3	32.4	3.0
	8.5	18.7	13.5	12.0	32.2	
	9.0	19.1	13.0	12.7	32.1	
	9.5	19.4	13.0	13.4	32.4	
	10.0	19.8	13.0	14.1	32.8	
60°	8.0	19.7	19.0	9.2	38.7	3.0
	8.5	20.0	18.5	9.8	38.5	
	9.0	20.3	18.0	10.4	38.3	
	9.5	20.5	18.0	11.0	38.5	
	10.0	20.8	18.0	11.5	38.8	
70°	8.0	19.8	20.0	8.5	39.8	3.0
	8.5	20.1	19.5	9.0	39.6	

Angle	Stall Width (ft.)	90° Depth (ft.)	Aisle Width (ft.)	Parallel Length (ft.)	Aisle and Bay (ft.)	Private Aisle Max. Reduction (ft.)
A	B	C	D	E	F	G
	9.0	20.4	19.0	9.6	39.4	
	9.5	20.6	18.5	10.1	39.1	
	10.0	20.9	18.0	10.6	38.9	
80°	8.0	19.2	25.0	8.1	44.2	3.0
	8.5	19.3	24.0	8.6	43.3	
	9.0	19.4	24.0	9.1	43.4	
	9.5	19.5	24.0	9.6	43.5	
	10.0	19.6	24.0	10.2	43.6	
90°	8.0	18.0	29.0	8.0	44.0	3.0
	8.5	18.0	25.0	8.5	43.0	
	9.0	18.0	24.0	9.0	42.0	
	9.5	18.0	24.0	9.5	42.0	
	10.0	18.0	24.0	10.0	42.0	

[Ord. 933 § 5.6, 2019.]

**SECTION 18.25.070 Bicycle parking.**

- (1) Applicability. Apartments, commercial, institutional development, transit transfer stations, and park-and-ride lots must provide bicycle parking facilities.
- (2) Exemptions. The Community Development Director may allow exemptions to required bicycle parking in connection with temporary uses that are not likely to generate the need for bicycle parking.
- (3) Number of Spaces. The minimum number of bicycle parking spaces is set forth in MDC Table 18.25.070. For uses not listed, the Community Development Director may determine the number of spaces based on the most similar listed use.

Table 18.25.070.



Use	Amount of Bicycle Parking
Apartments	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
Retirement home or assisted living complex	2 covered spaces or 1 covered space for every 10 employees, whichever is greater
Retail sales and service	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Multiple uses	For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
Restaurants, cafes, and bars	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Professional office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Medical or dental office or clinic or hospital	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Stadium, arena, theater or similar use	1 covered space for every 20 seats
Public or private recreational facility	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Parking lots	All public and commercial parking lots and parking structures shall provide a minimum

Use	Amount of Bicycle Parking
	of one bicycle parking space for every 10 motor vehicle parking spaces.
Industrial uses without retail trade or service	1 covered space for every 20 employees
Industrial uses with retail	1 covered space for every 20 employees
Elementary school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
Junior high school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
High school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.

**Applicant Response:** Each of the proposed apartment units has a covered patio or deck that can be used for bike storage. These areas are covered and meet the 1 space per unit requirement of this section. In addition to the covered bike parking, there are two uncovered bike parking areas proposed in the apartment development. One is located near the paver patio and the other is in front of Building 4.

(4) Location. All required bicycle parking must be located on site within 50 feet of the primary entrance to the building but in no event further from such entrance than the closest off-street parking space.

(a) For buildings with multiple entrances, required short-term bicycle parking must be distributed proportionally at the various entrances. Required long-term public parking must also be distributed at the various public entrances, while employee parking must be located at the employee entrance, if applicable.

(b) Bicycle parking may be provided within a building, but the location must be easily accessible for bicycles.

(c) Employee and residential bicycle parking must offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside to provide safe, long-term parking.

(d) Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to approval of the Public Works Director and provided it meets the other bicycle parking requirements.

(e) Bicycle parking facilities must be separated from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to the parked bicycles.

(f) Cover for bicycle parking must be provided by a bicycle storage room, bicycle locker, or racks inside a building; bicycle lockers or racks in an accessory parking structure; underneath an awning, eaves, or other overhang; or other facility as determined by the decision maker that protects the bicycles from direct exposure to the elements.

(g) All required long-term bicycle parking and all bicycle parking for residential, school, and industrial uses must be covered.

**Applicant Response:** Each of the proposed apartment units has a covered patio or deck that can be used for bike storage. These areas are covered and meet the 1 space per unit requirement of this section. In addition to the covered bike parking, there are two uncovered bike parking areas proposed in the apartment development. One is located near the paver patio and the other is in front of Building 4.

(5) Parking Space Dimensions. Each required bicycle parking space must be at least two and one-half feet by six feet and when covered, provide a vertical clearance of at least seven feet. An access aisle at least five feet wide must be provided and maintained beside or between each row of bicycle parking (vertical clearance may be four feet in an enclosed bicycle locker). Each required bicycle parking space must be accessible without moving another bicycle.

**Applicant Response:** All bike parking areas meet the minimum dimensional requirements.

(6) Parking Facilities. The intent of this subsection is to ensure that required bicycle parking facilities are designed so that bicycles may be securely locked to them without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

(a) Bicycle parking facilities must offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a rack) upon which the bicycle can be locked.

(b) Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.

**Applicant Response:** The proposed outdoor bike racks will be inverted “U” style racks (or similar) that provide two points of contact for the bicycle frame.

(7) Lighting. Lighting must be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. Bicycle parking must be at least as well lit as motor vehicle parking.

**Applicant Response:** The outdoor parking areas are located in areas that will be well lit and visible.

(8) Signing. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only. Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, entry and directional signs must be provided to direct bicyclists from the public right-of-way to the bicycle parking facility. Directions to employee bicycle parking facilities may be signed or supplied as appropriate.

(9) Paving/Surfacing. Outdoor bicycle parking facilities must be surfaced in the same manner as the motor vehicle parking or with a minimum of one-inch thickness of hard surfacing (i.e., asphalt, concrete, pavers, or similar material). This surface will be maintained in a smooth, durable, and well drained condition.

**Applicant Response:** The outdoor bike racks are proposed to be installed on concrete pads, in accordance with this standard.

(10) Rental. Bicycle parking spaces required by this Development Code may not be rented or leased except where required motor vehicle parking is rented or leased. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 5.7, 2019.]

**Applicant Response:** There are not bicycle rentals associated with this project. This standard does not apply.

#### **SECTION 18.25.080 Moving structures.**

No structure may be moved within or into the City without conforming to this Development Code, building codes, and other applicable ordinances of the City. A moving permit must be obtained from the City in advance of the move.

(1) Requirements. Prior to issuing a moving permit, the applicant must obtain all required permits and approvals to connect the structure to necessary utilities, including, but not limited to, water, sewer, and power.

While moving is in progress, the owner of said structure must protect passersby and citizens of the City from injury due to conditions of the structure or the property from which the structure was moved. Structures cannot be left on public streets after sunset, unless the owner has obtained permission of the City Council. The owner of the structure or the mover shall provide flares and a night watchman for protection of the citizens using said streets.

Within ninety (90) days after a structure has been moved onto a lot within the City, the structure shall have been placed upon its foundation in accordance with the building code and shall connect to necessary utilities. The Community Development Director may grant an extension of up to thirty (30) days upon a showing of good cause and reasonable progress. The structure must have been so remodeled and redesigned as to meet requirements of state building codes. All scrap lumber, trash, debris, and other materials including timbers and equipment for the moving of the structure must be removed from the premises; and all holes, underground structures, and excavations shall be filled to the rough grade level as indicated in the building permit. No such structure may be occupied until all the above requirements are met.

(2) Cleanup Required. Within ten (10) days after a structure is moved, the lot from which the structure was moved must be cleared of all debris, including pipe, concrete, scrap lumber, and other materials which will cause a health hazard, nuisance, or constitute a danger; all basements, abandoned septic tanks and wells must be filled with earth, except that upon written application, the City Council may give permission for useful basements or other structures to remain; provided the same are fenced or left open only for such period of time as the City Council may allow. [Ord. 933 § 5.8, 2019.]

**Applicant Response:** No structures are proposed to be moved to or from the property with this application. This criteria does not apply.

#### **SECTION 18.25.090 Vision clearance.**

Vision clearance must be maintained in all zoning districts. The size of the vision clearance area is described below and shown in MDC Figure 18.25.090-1:

(1) The minimum distance is 20 feet at intersections comprised of two streets or one street and a railroad right-of-way.

(a) Exception. This standard does not apply to the Downtown Commercial Zone (C2).

(2) At intersections of commercial/industrial access, the minimum distance is 15 feet.

(3) At intersections including an alley, the minimum distance is 10 feet.

**Applicant Response:** Clear vision areas are shown on the site plan included with this application and are free from visual obstructions. This standard has been met.

**SECTION 18.25.100 Signs.**

Sign placement and size is regulated according to Chapter [18.35](#) MDC. [Ord. 933 § 5.10, 2019.]

**Applicant Response:** Sign standards are addressed in Section 18.35 of this narrative.

**SECTION 18.25.110 Outdoor storage, trash collection, and loading spaces.**

The following standards are intended to reduce the impacts of outdoor storage, loading, and operations areas on adjacent land uses.

- (1) Areas for truck parking and loading must be screened by a combination of attractive structures and evergreen landscaping to minimize visibility from adjacent streets.
- (2) Outdoor storage, loading, and operations areas must be attractively screened from adjacent parcels and streets.
- (3) Outdoor storage, trash collection and/or compaction, loading, or other such uses must be located in the rear of the lot where feasible.
- (4) Outdoor storage, HVAC equipment, trash collection or trash compaction, and other service functions must be incorporated into the overall site design. Views of these areas must be screened from visibility from all property lines and separated from sidewalks and on-site pedestrian walkways. Screening structures must be made of the same materials as the principal structure.
- (5) Areas for the storage and sale of seasonal merchandise must be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences must conform to those used in the principal structure. If such areas are to be covered, then the covering must conform to the colors on the building.
- (6) Outdoor display and storage must not encroach on any portion of a walkway, drive aisles, or required parking spaces. No areas for outdoor storage, trash collection or trash compaction, loading, or other such uses may be located within 30 feet of any internal pedestrian walkway. [Ord. 933 § 5.11, 2019.]

**Applicant Response:** No outdoor storage areas are proposed. The trash collection area is located in an area that is accessible and the enclosure will screen the receptacles from view.

## **SECTION 18.25.120 Historic structure preservation.**

Upon receiving an application for demolition or major exterior alteration involving a historic area, site, structure, or object, as designated by the Comprehensive Plan, the Planning Commission in a public meeting shall review the application to determine its conformance with the historic preservation factors of this Development Code.

The City shall allow owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the designation and must not include a site on a list of significant historic resources if the owner of the property objects to its designation.

The City must allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.

The City shall not issue a permit for demolition or modification of a historic structure within one hundred twenty (120) days from the date the property owner requested the removal of a historic structure designation from the property.

(1) Demolition Procedure. If it is determined the land use action will result in the demolition or extensive exterior modification of any historical building, the Planning Commission shall review the application taking into account the following:

- (a) State of repair of the building.
- (b) The reasonableness of the cost of restoration or repair.
- (c) The purpose of preserving such designated historical building and site(s).
- (d) The character of the neighborhood.
- (e) All other factors the Planning Commission feels are appropriate.

Following Planning Commission review, the Planning Commission may approve or deny the permit for land use action or delay action for sixty (60) days to allow cognizant agencies to explore alternatives. If no suitable alternatives are available, the permit may be issued. The Planning Commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) days.

(2) Major Exterior Alteration Procedure. Exterior alterations must be in accordance with the following:

- (a) Upon receipt of an application for a major exterior alteration of a historic structure listed in the Comprehensive Plan, the Planning Commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review is based on the criteria for determining historic significance contained in the Comprehensive Plan.

(b) Major exterior alterations as defined by this action include any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.

(c) All applications for major exterior alterations must be accompanied by plans and specifications of the proposed alteration. The Planning Commission may request additional sketches and other information deemed necessary to make an informed decision.

(d) In order to approve the application, the Planning Commission must find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or find the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the Planning Commission deems it necessary to achieve the above objectives. The Planning Commission must deny the request if the proposal would reduce the resource's value or historic significance. Conditions attached to a permit for a major exterior alteration of a historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures, or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved. The Planning Commission shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

(e) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by public safety because of an unsafe condition. [Ord. 933 § 5.12, 2019.]

**Applicant Response:** The subject property does not contain any historic structures. This criteria does not apply.

### **SECTION 18.25.130 Riparian habitat protection.**

(1) Riparian Corridor. A riparian corridor boundary (along Willow Creek within the City limits and urban growth boundary) is hereby established at 50 feet from the top of each bank.

(2) Activities Within the Riparian Area.

(a) The permanent alteration of the riparian area by grading or by the placement of structures of impervious surfaces is prohibited, except for the following uses, provided they are designated to minimize intrusion into the riparian area, and no other options or locations are feasible:

(i) Streets, roads, and paths.

(ii) Drainage facilities, utilities, and irrigation pumps.



(iii) Water-related and water-dependent uses.

(iv) Replacement of existing structures in the same location that does not disturb additional riparian surface area.

(v) Structures or other nonconforming alterations existing fully or partially within the riparian area may be expanded, provided the expansion does not occur within the riparian area. Substantial improvement of a nonconforming structure in the riparian area shall require compliance with the standards of this Development Code.

(vi) Existing lawn within the riparian area may be maintained, but not expanded within the riparian area. Development activities on the property shall not justify replacement of riparian area with lawn.

(vii) Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Community Development Director and appropriate natural resources agency staff. Such alteration of the riparian area shall be approved only if less invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

(b) Removal of riparian vegetation is prohibited, except for:

(i) Removal of nonnative vegetation and replacement with native plant species. The replacement vegetation must cover, at a minimum, the area from which vegetation was removed, and must meet or exceed the density of the removed vegetation.

(ii) Removal of vegetation for the development of approved water-related or water-dependent uses. Vegetation removal must be kept to the minimum necessary to allow the water-dependent or water-related use.

(iii) Trees in danger of falling and thereby posing a hazard to life or property may be removed following consultation and approval from the Community Development Department. If no hazard will be created, the Department may require these trees, once felled, to be left in place in the riparian area.

(c) Exceptions. The following activities are not required to meet the standards of this section:

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use and existing in the riparian area prior to the date of adoption of this Development Code.

(3) Alteration Requiring Mitigation.

(a) Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of subsection [\(2\)](#) of this section:

(i) A setback adjustment as allowed under subsection [\(3\)\(c\)\(ii\)](#) of this section.

(ii) A variance to the riparian setback approved through the procedures of subsection [\(3\)\(c\)\(ii\)](#) of this section.

(b) Proposals for development activities within the riparian area allowed in subsection [\(2\)](#) of this section must be reviewed by the Oregon Department of Fish and Wildlife (ODFW), as per OAR [635-415](#) Fish and Wildlife Habitat Mitigation Policy. A mitigation recommendation must be obtained from ODFW. For purposes of implementing Goal 5, the goal is no net loss of protected resources; correspondingly, the purpose of designing appropriate mitigation sites should be considered at least in Habitat Category 2 (OAR [635-415-030](#)), which strives for no net loss of habitat values. Approval of the development proposal shall be conditional, requiring compliance with the mitigation recommendations of ODFW.

(c) Setback Adjustment.

(i) Qualifying Lots. Lots on which the riparian setback required by this Development Code exceeds any other setbacks in a particular yard, and which, when combined with other required setbacks, results in a building area depth of 25 feet or less, or a building envelope of 800 square feet or less.

(ii) Setback Reduction Procedure. Setback reduction shall be the minimum necessary to create either a building envelope 25 feet deep, or a building envelope of 800 square feet (whichever requires a lesser reduction of the setback). The setback opposite the riparian area may be reduced up to one-half (1/2) of the standard setback. If this does not create a sufficient building envelope, the riparian setback may be reduced up to one-half (1/2) the required setback. Additional reductions of setbacks require a variance pursuant to MDC [18.50.040](#). Removal of vegetation within the original riparian setback shall be the minimum necessary to allow development of the use and must otherwise conform with the standards of subsection [\(2\)\(b\)](#) of this section. [Ord. 933 § 5.13, 2019.]

**Applicant Response:** The subject property is not contain any riparian habitat protection areas. This criteria does not apply.

**SECTION 18.25.140 Wetland notification.**

Written notice must be provided to the Oregon Division of State Lands (DSL) of applications involving lands that are wholly or partially within areas that are identified as wetlands on the Statewide Wetlands Inventory. Wetland boundaries must be verified in the field by a qualified professional before any application for development in or adjacent to a wetland is accepted as complete.

- (1) Notice must be sent within five working days of the acceptance of a complete application for a subdivision, building permit for new structure, planned development, or any other development permit or approval that allows physical alteration of the land involving excavation, grading, fill, or construction on the land, and any development in a flood hazard area.
- (2) Notice must be sent if the City receives information that there is a possible wetland on the subject property following acceptance of the application.
- (3) Notice is not required for any application listed in MDC [18.25.130](#) if a permit has been issued by the Division of State Lands for that activity.
- (4) If the Division of State Lands fails to respond to the notice from the City within thirty (30) days of the postmark date of the notice, the City may issue an approval for the proposed activity with written notice to the applicant and owner of record that the proposed activity may require state or federal permits.
- (5) The City may issue an approval for a Comprehensive Plan Map or Zoning Map amendment for parcels identified as or including wetlands on the Statewide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits, and providing the Division of State Lands with a copy of the notification of Comprehensive Plan Map or Zoning Map amendment for specific properties.
- (6) The City may issue approval for any activity listed in MDC [18.25.130](#); provided, that the approval includes one of the following statements:
  - (a) Issuance of a permit under ORS [196.665](#) and [196.800](#) by the Division of State Lands is required for the proposed project before any physical alteration takes place within the wetlands;
  - (b) Notice from the Division of State Lands that no permit is required; or

(c) Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill, or alter the wetlands are submitted to DSL.

(7) Notice of activities authorized within an approved wetland conservation plan must be provided to the Division of State Lands within five days following approval by the City.

(8) Failure of the City to provide notice to the Division of State Lands as required in this section will not invalidate City approval of the proposed activity. [Ord. 933 § 5.14, 2019.]

**Applicant Response:** The subject property is not contain wetlands. This criteria does not apply.

**SECTION 18.25.150 Flag pole standards.**

The height and illumination of flag poles must comply with the provisions of MDC Table 18.25.150-1, Flag Pole Regulations, below.

Table 18.25.150-1. Flag Pole Regulations

Zoning District	Maximum Flag Pole Height	Illumination Permitted	Illumination Requirements
R-1, R-2, R-3	No greater than 5 feet above dwelling height	Yes	Full cut-off fixtures, up lighting
C-1, C-2, C-3	35 feet	Yes	Full cut-off fixtures, up lighting
NC	20 feet	Yes	Full cut-off fixtures, up lighting
I	35 feet	Yes	Full cut-off fixtures, up lighting
OS/PF	35 feet	Yes	Full cut-off fixtures, up lighting
AD	35 feet	Yes, subject to FAA approval	Full cut-off fixtures, up lighting, and subject to compliance with the applicable FAA regulations

[Ord. 933 § 5.15, 2019.]

**Applicant Response:** No flagpoles are proposed with this application. This criteria does not apply.

**SECTION 18.25.160 Outdoor lighting standards.**

(1) Purpose. The purpose of the outdoor lighting standards is to allow reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is

misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; and help protect the natural environment from the damaging effects of night lighting.

(2) Outdoor Lighting Standards.

(a) Outdoor lighting, including that for signage, must not project directly into an abutting lot.

(b) Unless necessary for safe and convenient air travel, outdoor lighting must not project directly into the airport runway, taxiway, or approach safety zone.

(c) All outdoor lighting must be shielded such that the source of light, or light reflective or amplifying device, is not visible from adjacent properties or right-of-way.

(d) Outdoor lighting shall not blink, strobe, move, or rotate unless required by the FAA.

(e) Unless otherwise provided in the Development Code, lighted poles must not exceed 20 feet in height.

(f) Wiring for monument signs and similar permanent lighting installations must be underground or otherwise not visible.

(g) All street lighting must comply with the design and construction standards. [Ord. 933 § 5.16, 2019.]

**Applicant Response:** Each apartment building will have outdoor wall pack lighting and the site parking lot will contain pole mounted lighting. See architectural plans for site lighting details.

**SECTION 18.25.170 Landscaping standards.**

(1) General Standards. Unless otherwise specified for a specific use or zone in this Development Code, the minimum amount of landscaping is established by zone as follows:

R-1: 15%

R-2: 15%

R-3: 15%

Lot 4 is 2.77 acres (120,480 sf) and the required 15% landscape area is 18,072 sf. The proposed landscaped area (including the open space/common areas) is 21,865 sf which is equal to 18.1%.

In addition to the landscaping and common areas, the apartment development includes several areas that are proposed to remain native; set aside for the protection/enhancement of the natural environment and topography. These areas are not included in the common area or landscape area calculations.

(2) Specific Standards. Landscaping shall comply with the following standards:

(a) Plant Selection. Native vegetation shall be preserved or planted where practical. A combination of live nonnative deciduous and evergreen trees, shrubs and ground covers, including lawn, shall be used for all planted areas. Drought-tolerant plantings are encouraged. Fire-resistive plants should be planted in areas or on slopes where necessary to reduce the risk of fire spreading to structures. As necessary, soils shall be amended to allow for healthy plant growth.

**Applicant Response:** Undisturbed areas will be left with native vegetation. Disturbed areas that will not be planted with trees and shrubs will be seeded with native bunch grasses. They will grow in these areas overtime. Rabbit brush and sagebrush will also volunteer in these areas. The landscape contractor is required to amend the soil to aid in the successful growth of the plants. Gravel mulch is proposed adjacent and around all buildings so that a ground flame cannot be carried to buildings.

(b) Hardscape Features.\* Ground-level areas for passive use, such as patios, decks, plazas, paved dining areas, etc., may cover up to fifteen percent (15%) of required landscaping area; swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscaping requirement.

**Applicant Response:** The proposed paver patio area is 1,772 sf, which accounts for 8.1% of the total landscape area. Tables, chairs, pedestal grills and shade trees are proposed in the plaza area.

(c) Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) that are landscaped can be counted in the required amount of landscaped area on the site. Planting of broadleaf canopy trees is encouraged as effective surface water interceptors.

**Applicant Response:** There are no swales or retention ponds proposed. This criteria does not apply.

(d) In the R-1, R-2, and R-3 zones, at least fifty percent (50%) of the required landscaping must be located in the front yard setback or otherwise between the structure and the front property line.

**Applicant Response:** The front property line accounts for a small portion of the Lot 4 perimeter; however, more than 50% of the proposed landscaping (dog park, path, paver patio, native open space along Oak Street) is located in the front yard setback or between the proposed structures and front property line.

(e) Landscaped areas must be appropriately irrigated. Xeriscaping may be unirrigated at the discretion of the Community Development Director.

**Applicant Response:** All plantings except lawn will be irrigated with a drip system. Lawn will be irrigated with spray irrigation, with head to head coverage.

(f) Required landscaping must be continuously maintained. Plants or trees that die or are damaged must be replaced and maintained similar to initially installed landscaping.

(g) Surface drainage must be managed in accordance with the Public Improvement Standards.

(h) Ground-level areas for passive use, such as patios, decks, etc., may cover up to fifteen percent (15%) of the required landscaping area; swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

**Applicant Response:** Landscaping will be installed as approved with each future building permit. Landscaped areas will include the front and side portions of the apartment buildings, open space areas as well as along the proposed private street. All new landscaping will be properly irrigated and maintained in accordance with these standards.

(3) Dwellings.

(a) New Construction. Landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up security in an amount established by the City's fee schedule to the Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the Finance Department shall release the bond back to the developer. The developer has one year from the date of final inspection to complete landscaping the lot.

(b) Existing Dwelling. The existing landscaping (lawn, flowers, trees, shrubs, etc.) must be maintained and kept in healthy condition. If the yard(s) are left to weeds and noxious vegetation, the City may prosecute the violation under the City's nuisance ordinance, Chapter [8.15](#) MMC.

(c) Manufactured Dwelling Parks. Landscaping within manufactured dwelling parks shall comply with the applicable provisions of MDC [18.30.030](#).

(d) Townhomes. Landscaping for townhome developments shall comply with the applicable provisions of MDC [18.30.191](#).

(e) Cottage Cluster. Landscaping for cottage cluster developments shall comply with the applicable provisions of MDC [18.30.192](#).

**Applicant Response:** Please see the landscape plans submitted with this application to see how the proposed landscape will meet these requirements.

(4) Commercial/Industrial/Institutional/Other Nonresidential (Including Nonresidential in Residential Zone).

(a) Landscape plans must be submitted with the site plan application and must receive approval.

(b) All unused portions of the property must be maintained with landscaping consisting of ground cover or planted grass, shrubs, trees, flower beds, bark dust, or other suitable landscaping.

(c) The property owner is responsible for establishing and maintaining the landscaping on the lot.

(d) Unenclosed parking areas/storage areas for five or more vehicles, and all associated maneuvering areas, must be landscaped and screened as follows:

(i) At least seven percent (7%) of the parking lot area must be landscaped. Trees must be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.

(ii) Landscape buffers are required between parking areas and streets and must have a minimum width of three feet.

(iii) Landscape buffers between parking areas abutting a property line must have a minimum width of three feet.

(iv) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.

(v) There must be a minimum distance of five feet between parking areas and adjacent residential lots.

(vi) Landscape buffers must consist of evergreens, ground cover, and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.

(vii) Landscaping in a parking or loading area shall have a width of not less than five feet. Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.



(e) Required landscaping shall be continuously maintained. Landscaped areas shall be irrigated, except for xerophytic plantings (e.g., plants in drainage infiltration swales).

**Applicant Response:** The proposed project is a residential development so this section does not apply.

(f) Public gathering areas, such as plazas, atriums, and courtyards, shall have at least fifteen percent (15%) of the design devoted to planted beds or containers, water features, public art, and other amenities.

(g) The required square footage of landscaping may be reduced by ten percent (10%) if any of the following are incorporated into the development plan:

(i) Use of drought-tolerant plants throughout the plan per Xeriscaping in the High Desert: Guide for Central Oregon, 2005, or an alternative planting list approved by the City;

(ii) Preservation of rock outcroppings and native habitat areas greater than 500 square feet in area;

(iii) Provision of cross-access easements connecting primary drive aisles between adjacent properties;

(iv) Connection to a City Engineer-approved off-site stormwater management facility. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 933 § 5.17, 2019.]

**Applicant Response:** The proposed landscape is a mix of low water to higher water needs (lawn areas) plants. The purpose of the plant often takes precedence over the water needs of the plants because some of the planting areas are small. Additionally, trees are very important now with climate warming to provide shade and capture carbon.

#### **SECTION 18.25.180 Transportation impact studies.**

(1) Applicability.

(a) A transportation impact analysis shall be required under the following circumstances:

(i) The development generates fifty (50) or more peak hour trips or five hundred (500) or more daily trips.

(ii) An access spacing exception is required for the site access driveway(s) or access is proposed from an arterial or collector street.

(iii) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.

(iv) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high accident locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.

(v) Otherwise as determined by the Public Works Director.

(b) All development subject to site plan review, but not meeting the thresholds for a transportation impact analysis, will be required to submit a transportation assessment letter to the reviewing agencies prepared by an Oregon licensed transportation engineer indicating why the proposed land use action is exempt. This letter should outline the potential trip-generating characteristics of the proposed land use action and verify that the site-access driveways or roadways meet sight-distance requirements and City of Madras roadway design standards.

**Applicant Response:** A Traffic Impact Analysis (TIA) has been prepared by Transight Consulting and is included with this application.

(2) Requirements of a Transportation Impact Analysis. Transportation impact analyses shall meet the following standards:

(a) Licensed Professional. Transportation impact analyses shall be prepared by a licensed professional engineer registered in the State of Oregon.

(b) Study Area. The transportation impact analysis area should include, at a minimum, all site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. In particular, if the proposed site fronts an arterial or collector street, the transportation impact analysis should include all intersections along the site frontage and within the access spacing distances extending out from the boundary of the site frontage. Beyond the minimum study area, the transportation impact analysis should evaluate all intersections that receive site-generated trips that make up at least ten percent (10%) or more of the total intersection volume. In addition to these requirements, the Public Works Director (or his/her designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development. If the study area includes any state and/or County facilities, then the state and/or County shall be notified and provided an opportunity to comment on the transportation impact analysis.

(c) Study Period. The following study periods or horizon years shall be analyzed:

(i) Existing Year Analysis. Assesses all existing roadways, intersections, and land uses within the study area.

(ii) Background Analysis. Assesses the expected roadway, intersection, and land use conditions in the year the proposed land use action is expected to be fully built out, without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or those City-approved developments that are expected to be fully built out in the proposed land use action horizon year.

(iii) Full Build-Out Traffic Analysis. Assesses the expected roadway, intersection, and land use conditions resulting from the background growth and the proposed land use action assuming full build-out and occupancy.

**Applicant Response:** The TIA was prepared by a Licensed Professional Engineer and analyzed the following intersections:

- NE 7<sup>th</sup> Street/NE Oak Street
- NE 10<sup>th</sup> Street/NE Oak Street
- NE 12<sup>th</sup> Street/NE Oak Street
- NE Oak Street/Proposed Site Access (Stone Oak Court)

The analysis includes projected impacts at full build out of the project which is estimated to be the year 2027. See TIA for details.

(d) Peak Hour Analysis. Within each horizon year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during weekday mornings (7:00 a.m. to 9:00 a.m.) and weekday evenings (4:00 p.m. to 6:00 p.m.) and are known as peak commuting hours. The transportation impact analysis should always address the weekday a.m. and p.m. peak hours when the proposed land use action is expected to generate twenty-five (25) trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is negligible during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worst-case study period need be analyzed. Depending on the proposed land use action and the expected trip-generating characteristics of that development, consideration of nonpeak hour travel periods may be appropriate. Examples of land uses that have nontypical trip-generating characteristics include schools, restaurants, nightclubs, and churches. The Public Works Director (or his/her designee) and applicant should discuss the potential for additional study periods prior to the commencement of the transportation impact analysis.

**Applicant Response:** Traffic counts were collected in the am and pm and reflect peak summer traffic volumes, in accordance with this standard. See TIA for the peak hour analysis details.

(e) Traffic Count Requirements. Turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts shall be conducted Tuesday through Thursday between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., depending on the proposed land use. Notwithstanding the foregoing, historical turning movement counts may be used if the data are less than twelve (12) months old, but must be factored to meet the existing traffic conditions.

**Applicant Response:** Traffic counts were collected in the am and pm and reflect peak summer traffic volumes, in accordance with this standard. See TIA for traffic count details.

(f) Trip Generation for the Proposed Development. To determine the impacts of a proposed development on the surrounding transportation network, the trip-generating characteristics of that development must be estimated. Trip-generating characteristics should be obtained from one of the following acceptable sources:

- (i) Institute of Transportation Engineers (ITE) Trip Generation Manual (latest edition).
- (ii) Specific trip generation studies that have been conducted for the particular land use action for the purposes of estimating peak hour trip-generating characteristics. The Public Works Director (or his/her designee) should approve the use of these studies prior to their inclusion in the transportation impact analysis.

In addition to new site-generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the Trip Generation Manual (ITE) should be used to account for pass-by and internal trips.

**Applicant Response:** The project is estimated to generate less than 500 weekday daily trips but more than 25 peak hour trips (26 AM Peak Hour and 34 PM Peak Hour). Because the proposed development includes a rezone from R-1 to R-3, the study also requires compliance with the Transportation Planning Rule provisions for Plan and Land Use Regulation Amendments (OAR 660-012-0060) which is addressed separately in the TIA.

(g) Trip Distribution. Estimated site-generated traffic from the proposed development shall be distributed and assigned on the existing or proposed arterial/collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site original/destination points within the site vicinity. Acceptable trip distribution methods should be based on one of the following procedures:

- (i) An analysis of local traffic patterns and intersection turning movement counts can be used, as long as the data have been gathered within the previous 12 months.

(ii) A detailed market study specific to the proposed development and surrounding land uses can be used to determine the specific influence area. Site-generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory.

**Applicant Response:** The estimated trip distribution pattern was prepared based on the location of the site relative to non-residential trip attractions within the City of Madras, with most travel oriented toward the US 97 corridor for access to employment opportunities and commercial services. See TIA for trip distribution figures.

(h) Intersection Operation Standards. To identify impacts of the proposed land use action on the transportation system, the transportation impact analysis must compare the existing, background, and full build-out intersection traffic volumes to the minimum intersection operation standards. The City of Madras evaluates intersection operational performance based on levels of service and “demand-to-capacity” (d/c) calculations.

(i) Intersection Demand-to-Capacity Analysis. A capacity analysis should be performed at all intersections within the identified study area. The methods identified in the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, are to be used for all intersection capacity calculations. The City of Madras requires that all intersections within the study area must maintain a d/c ratio of 0.95 or less.

(j) Intersection Levels of Service. The City of Madras requires all intersections within the study area to maintain an acceptable level of service (LOS) upon full build-out of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for un-signalized intersections are based on the average control delay and volume-to-capacity ratio for the worst or critical movement. All LOS calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS “D,” while the minimum acceptable level of service for un-signalized intersections is LOS “E” or LOS “F” with a d/c ratio of 0.95 or less. Any intersections not operating at these standards will be considered unacceptable.

**Applicant Response:** The traffic operations analysis was prepared using the HCM 6th Edition methodology and Synchro analysis software at the study intersections. The inputs included data from the traffic counts, such as pedestrians, cyclists, trucks, and passenger vehicles within the peak hour. All traffic operations within this report reflect peak fifteen-minute conditions. None of the intersections studied had a resultant level of service less than LOS B. The performance standards, levels of service and design hour conditions are detailed in the TIA.

(k) Modifications. The Public Works Director may amend or waive any requirement of a transportation impact analysis.

(3) Transportation Planning Rule. Every application subject to the Transportation Planning Rule shall include discussion and proposed findings of compliance with the Transportation Planning Rule as part of the transportation assessment letter or transportation impact analysis, as applicable.

**Applicant Response:** The Transportation Planning Rule Compliance is included in the TIA and: the Findings and Recommendations are as follows:

### **FINDINGS AND RECOMMENDATIONS**

The traffic study prepared for the proposed Oak Street multifamily development identifies the following:

- The proposed 3.5-acre multifamily project is planned to consist of 60 multifamily units and 3 single-family detached homes with access from a new local street to NE Oak Street.
- The proposed development is estimated to generate 432 weekday daily trips of which 26 trips are expected to occur during the weekday a.m. peak hour and 34 during the weekday p.m. peak hour.
- The site is currently zoned R-1 and the project includes rezoning the site from R-1 to R-3 to support this project. The TPR analysis shows that the proposed multifamily plan is less intense than what is permitted with the existing R-1 zoning. A significant impact does not occur with the proposed rezone. Further demonstration of TPR compliance is not required.
- No sight distance issues were identified at the proposed local street connection to NE Oak Street. However, with the steep grades it is recommended that the embankments be sloped to maintain the clear sight lines available today.
- There are no crash patterns within the study area identified from review of historical data.
- Traffic operations show that all study intersections meet City operation standards today, in the future build-out year, and with buildout of the site in the year 2027.
- Frontage improvements on NE Oak Street should include sidewalks and a landscape strip.
- The new local street should be built to City standards to include 55 feet of right-of-way, sidewalks, on-street parking, and a landscape strip.
- The project should support Citywide transportation improvements through payment of Transportation SDCs.

(4) Review Policy and Procedure. To be utilized as part of an application for a land use approval, the Public Works Director must approve, or approve with conditions, the traffic assessment letter or transportation impact analysis based on the following considerations:

- (a) The road system is designed to meet the projected traffic demand at full build-out and the functional roadway classification standards are consistent with the proposed use.
- (b) Access is properly placed in relation to sight distance (i.e., does the driveway location meet both intersection and stopping sight distance requirements), driveway spacing, and other related considerations, including opportunities for joint or crossover access.
- (c) The driveway access for dwelling units is located on interior residential access streets rather than major roadways.
- (d) Traffic movement within the site is provided without having to use the peripheral road network.
- (e) The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
- (f) The site plan provides for potential future crossover of consolidated access, and/or alternative access.

**Applicant Response:** The applicant understands the review policy and procedure associated with the Traffic Impact Analysis.

(5) Conditions of Approval. As part of approving a transportation assessment letter or transportation impact analysis, the Public Works Director may impose conditions of approval including, without limitation, the following:

- (a) Crossover easement agreements between adjoining parcels.
- (b) Access restrictions including requiring shared access.
- (c) Right-of-way dedications including dedications for multi-use paths.
- (d) Street improvements including traffic signs and signals.
- (e) Trip caps. [Ord. 933 § 5.18, 2019.]

**Applicant Response:** The applicant understands that specific Conditions of Approval may be imposed as it relates to transportation criteria above.

**SECTION 18.25.190 Exterior colors.**

The exterior of any structure shall be a color consistent with Ordinance 845\*. [Ord. 933 § 5.19, 2019.]

**Applicant Response:** The proposed exterior colors are consistent with Ordinance 845 which consists of mild earthy neutral tones that complement one another. The tones are used discretely on each building throughout the development.

**Chapter 18.30: SPECIAL STANDARDS FOR CERTAIN USES**

**SECTION 18.30.020 Manufactured homes.**

(1) Permitted Zones.

(a) A manufactured home on a single unit of land is allowed in any zone in which single-family dwellings are permitted.

(b) Manufactured homes are permitted in any manufactured home park regardless of zoning.

(2) General Criteria.

(a) The manufactured home must possess an insignia of compliance, tag, or other documentation indicating conformance with state and federal standards applicable to the manufactured home.

(b) All manufactured homes shall connect to approved water, sewer, and electrical infrastructure within thirty (30) days of the structure being sited on a property.

(c) Manufactured homes must meet all Federal Emergency Management Agency (FEMA) standards and standards in Chapter [18.45](#) MDC if placed in a flood hazard area.

(d) Manufactured homes must comply with all other requirements in the zoning district in which the manufactured dwelling will be located.

(e) Manufactured homes must comply with MDC [18.30.190](#) to the same extent as single-unit dwellings.

(3) Additional Criteria for Manufactured Dwellings on a Single Lot.

(a) The manufactured dwelling shall not be more than fifteen (15) years old at the time of siting.



(4) Additional Criteria for Manufactured Dwellings in Manufactured Dwelling Parks.

(a) Manufactured homes shall comply with state building codes for setup of the dwelling in the manufactured dwelling park. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 6.2, 2019.]

(...)

**Applicant Response:** There are no manufactured homes proposed. This criteria does not apply.

**SECTION 18.30.050 Residential accessory structure standards.**

(1) Purpose. In an effort to protect and enhance the existing and future residential character of the City of Madras, the City Council adopted these residential accessory structure standards. The residential accessory structure standards are intended to ensure residential accessory structures are compatible with existing residential development and neighborhoods by:

(a) Ensuring appropriate storage of vehicles and personal property in residential areas.

(b) Ensuring that residential accessory structures are similar to the existing form of residential development in the City.

(c) Ensuring that residential accessory structures remain incidental and subordinate to residential uses occurring on the lot.

**Applicant Response:** There are no accessory structures proposed. This criteria does not apply.

(2) Applicability. The provisions of this section apply to all lots containing residential accessory structures except that greenhouses and residential accessory structures that do not require a building permit are not subject to the design standards in subsection [\(4\)](#) of this section.

(3) Establishment. Residential accessory structures shall be established in the following manner:

(a) No residential accessory structure is permitted on any lot unless a dwelling has been lawfully established thereon.

(b) All building permits required by the Building Official must be obtained.

**Applicant Response:** There are no accessory structures proposed. This criteria does not apply.

(4) Design Standards. Residential accessory structures must meet the following design standards:

(a) Garage.

(i) Where the dwelling on the property does not have at least a one-car garage, the first residential accessory structure must be a fully enclosed garage with a garage door, attached or detached from the dwelling, of at least 150 square feet, and constructed of similar materials, colors, and designs as the dwelling.

(ii) Where the dwelling on the property has at least a one-car garage, which may be a residential accessory structure (i.e., a detached garage), all additional residential accessory structures must have at least three exterior walls. These walls must have exterior siding similar to the siding of the dwelling on the property. A garage door is not required.

(b) Exterior Paint. Residential accessory structures shall have similar base and trim color as the primary dwelling structure on the property.

(c) Siding. Residential accessory structures shall have similar siding material as the primary dwelling structure on the property.

(d) Windows. Windows shall match those of the primary dwelling structure in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).

**Applicant Response:** There are no accessory structures proposed. This criteria does not apply.

(5) Dimensional Standards.

(a) The total square footage of all residential accessory structures on a lot shall not exceed the more restrictive of the following:

(i) Nine hundred fifty square feet for lots of 10,000 square feet or less.

(ii) For lots greater than 10,000 square feet:

(A) The total square footage of all residential accessory structures shall not exceed nine and one-half percent of the area of the lot.

(B) Notwithstanding subsection [\(5\)\(a\)\(ii\)\(A\)](#) of this section, a single residential accessory structure shall not exceed the maximum square footage under subsection [\(5\)](#) of this section, 2,200 square feet or the square footage of the dwellings then located on the lot, whichever is less.

(iii) Notwithstanding anything to the contrary, the total square footage of all residential accessory structures on a lot shall not exceed one hundred fifty percent (150%) of the square footage of the primary dwelling structure on the lot.

(b) The maximum height of a residential accessory structure is based upon the height of the dwelling of the property.

(i) Residential accessory structures on a property with a single-story dwelling shall not exceed one hundred twenty-five percent (125%) of the height of the single-story dwelling except that an accessory dwelling unit may be located on the second floor of a residential accessory structure provided the structure does not exceed 35 feet.

(ii) Residential accessory structures on a property with a multi-story dwelling structure shall not exceed the height of the multi-story dwelling structure.

(iii) In no case shall a residential accessory structure exceed 35 feet in height.

(c) Residential accessory structures must comply with the applicable setbacks for the zone in which they are located except that residential accessory structures that exceed the height of the tallest structure containing a dwelling then located on the subject lot must be set back an additional one-half (1/2) foot for each one foot that the proposed residential accessory structure exceeds the height of the tallest dwelling structure.

(d) The foregoing dimensional standards may be exceeded as part of a site plan approval for residential development subject to site plan approval.

(e) Residential development not subject to site plan approval may exceed the dimensional standards through approval of a conditional use permit.

**Applicant Response:** There are no accessory structures proposed. This criteria does not apply.

(6) Additional Standards for Accessory Dwelling Units. In addition to the standards in this section and those contained in MDC [18.30.190](#), the following provisions shall also be applicable to accessory dwelling units:

(a) Maximum Size. Notwithstanding anything in subsection [\(5\)](#) of this section to the contrary, an accessory dwelling unit shall not be larger than 950 square feet except that an accessory dwelling unit attached to an existing structure shall not result in an expansion of more than twenty percent (20%) of the square footage of the existing structure.

(b) Lot Coverage. Same as underlying zone.

(c) Setbacks. Same as underlying zone.

(d) Process. Accessory dwelling units are processed as a Type I for the first accessory dwelling unit and Type II for an additional accessory dwelling unit.

(e) Second Accessory Dwelling Unit. A second accessory dwelling unit can be approved on the same property, provided the subject property is at least 7,500 square feet and the second accessory dwelling unit otherwise meets the requirements of this code including, without limitation, the conditional use criteria. Only one accessory dwelling unit can be a detached dwelling unit (i.e., one of the accessory dwelling units must be attached to another structure such as the primary dwelling structure or a detached garage).

**Applicant Response:** There are no accessory structures proposed. This criteria does not apply.

(7) Exceptions to Design Standards.

(a) Process. The Community Development Director may grant waivers or modifications to the standards listed in subsection (4) of this section if the Community Development Director finds that: (i) the waiver or modification will not harm or will be beneficial to the public in general; and (ii) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of promoting attractive housing stock. The application for a waiver, modification, or deferral must be in writing submitted as part of a development application and shall be subject to applicable fees established by the City Council. The application must specify the nature of the requested waiver or modification and how the criteria listed above are met. The Community Development Director may impose any condition of approval necessary to satisfy the purposes of this section, including, without limitation, requiring that the developer exceed one particular standard in lieu of meeting another particular standard.

(b) Approval Criteria. The Planning Commission may grant an exception, if the following criteria are met:

(i) The proposed residential accessory structure is otherwise consistent with the purpose of the residential accessory structure design standards.

(ii) At least a one-car garage is provided on the property or the proposed residential accessory structure must include a fully enclosed garage with a garage door, attached or detached from the dwelling, that is sufficient to store an average-size car (150 square feet minimum) and constructed of similar materials, colors, and designs as the dwelling.

(iii) The location, size, and design characteristics of the proposed residential accessory structure shall have minimal adverse impact on the livability of the permitted development in the surrounding area.

(iv) The proposed residential accessory structure is aesthetically pleasing and functional and relates harmoniously to the natural environment and existing development.

(v) The proposed residential accessory structure minimizes visual impacts and preserves natural features to the greatest extent practical.

(vi) The requested exception is the minimum deviation necessary to allow for the proposed residential accessory structure. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 954 § 2.1 (Exh. B), 2021; Ord. 933 § 6.5, 2019.]

**Applicant Response:** There are no accessory structures proposed. This criteria does not apply.

#### **SECTION 18.30.060 Affordable housing development.**

The City shall take final action within one hundred (100) days after any application for a multifamily residential building containing five or more dwelling units is deemed complete, provided:

(1) At least fifty percent (50%) of the dwelling units included in the development will be sold or rented as affordable housing; and

(2) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a dwelling unit within the development from selling or renting any dwelling unit that constitutes affordable housing in a manner that would not constitute affordable housing for a period of sixty (60) years from the date of the final certificate of occupancy. [Ord. 933 § 6.6, 2019.]

(...)

**Applicant Response:** The applicant is not proposing more than 50% of the units as affordable housing. This criteria does not apply.

#### **SECTION 18.30.190 Residential design standards.**

(1) Purpose. The residential design standards are intended to facilitate the development of attractive housing while promoting multi-modal transportation, attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

**Applicant Response:** The proposed project is set back off of Oak Street and has minimal view from the public way. However, our design speaks to all of the above criteria in a sense that promotes all of these standards: Good site design, easy on-site automobile maneuverability which creates a safer environment. The overall design is in sync with the neighboring properties and will bolster a much stronger visual and higher quality community.

(2) Aspirational Provisions. The following are not approval criteria but aspirations for residential development with the City. Developers are encouraged to design their developments to achieve the following:

(a) Livability. Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, providing housing in close proximity to existing commercial uses, and providing public and private open spaces for outdoor use.

(b) Compatibility. Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Madras while being sensitive to the natural topography and significant natural features.

(c) Safety and Functionality. Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety and is well integrated into the city's overall circulation system.

**Applicant Response:** Each aspect listed above will be met. This garden model apartment has been built in other locations in Central Oregon and has received nothing but praise.

(3) Applicability.

(a) Applicability for New Construction. Residential design standards apply to new construction of all forms of dwellings but are not uniformly applied to each type of dwelling unit or type of site development. Applicability (or nonapplicability) of specific residential design standards to specific dwelling types is set forth in MDC Table 18.30.190-1. Additional design standards for townhouses and cottage clusters can be found in MDC 18.30.191 and 18.30.192.

**Applicant Response:** The residential design standards listed below are adhered to, each standard has been addressed accordingly and can be found in the Oak Street Apartments "Presentation Set" dated 08 23 23.

(b) Applicability for Modifications. The residential design standards apply to all modifications or alterations of all dwelling types except as otherwise provided below:

(i) Expansions of Structures That Add Area to Any Street-Facing Façade. The design standards for such expansions are applicable as follows:

**Applicant Response:** No modifications to existing structures are proposed. This criteria does not apply.

Table 18.30.190-1. Applicability of Residential Design Standards by Housing Type in R-1, R-2, R-3, C-1, C-2, and C-3 Zones

Design Standard	Applicability				
	1 – 4 units (attached or detached)	Cottage Clusters	Townhouses	Apartments	Mixed-Use Building or Development
(a) Articulation	[2]	[2]	[2]	[2]	[10]
(b) Transparency	[2] [3]	[2] [3]	[2] [3]	[2]	[10]
(c) Main entrance	[2] [3]	[2] [3]	[2] [3]	N/A	[10]
(d) Detailed design	[2]	[2] [3]	[2] [3]	[2] [7]	[10]
(e) Transitional space	[2] [7]	[2] [7]	[2] [7]	[2] [7]	[10]
(f) Common area	[11]	[8]	[1] [11]	[9] [11]	[11]
(g) Pedestrian circulation	[1] [5]	[1] [5]	[2] [7]	[1]	[1]
(h) Off-street parking	[1]	[1] [4]	[1] [4]	[1] [4]	[1] [4]
(i) Privacy and screening	N/A	[1]	[1]	[1]	[1]
(j) Storage	[6]	[6]	[6]	[6]	[6]
(k) Trash enclosures	[12]	[1]	[1]	[1]	[1]

Legend:

- 1 Applicable to the entire site.
- 2 Applicable to dwellings facing the street; apartments must meet these standards for all ground floor units.
- 3 Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path.
- 4 Clustered parking requirements apply for lots with four or more parking spaces.
- 5 Applicable only for additions or new buildings.
- 6 Applicable only for new buildings.
- 7 Applicable to ground floor dwellings with access from the street or shared open space (e.g., a common open space), and access entry door is:
  - (a) Within ten feet of the street-facing property line; or
  - (b) Within the front yard setback; or
  - (c) Within ten feet of a shared open space common tract or easement.
- 8 See special standards for common courtyards in MDC 18.30.192.
- 9 Only applicable to dwellings in residential zones.

10 Only applicable if residential portion of mixed-use building/development faces the street.

11 All residential development in the C-2 and C-3 zones other than cottage cluster developments must provide 50 square feet per dwelling unit for passive use, such as patios (ground level or rooftop), decks, balconies, etc.

12 Not applicable to residential developments with three or fewer dwelling units on a particular lot.

(c) **Waivers or Modifications.** The Community Development Director may waive or modify any residential design standard if the Community Development Director finds that: (i) the waiver or modification will not harm or will be beneficial to the public in general; and (ii) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of promoting attractive housing stock. The application for a waiver, modification, or deferral must be in writing submitted as part of a development application, shall be subject to applicable fees established by the City Council, and shall require that the application be subject to a Type II procedure if not already subject to a Type II or higher procedure. The application must specify the nature of the requested waiver or modification and how the criteria listed above are met. The Community Development Director may impose any condition of approval necessary to satisfy the purposes of this section, including, without limitation, requiring that the developer exceed one particular standard in lieu of meeting another particular standard.

**Applicant Response:** The residential design standards listed above are adhered to, each standard has been addressed accordingly and can be found in the Oak Street Apartments “Presentation Set” dated 08 23 23.

(4) **Residential Design Standards.** All development subject to subsection (3) of this section shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

(a) **Articulation.** All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows:

(i) For buildings with 30 to 60 feet in length that faces the street, a minimum of one of the following elements shall be provided along the street-facing façades:

(A) A covered porch at least five feet deep.

(B) A balcony that is at least two feet deep and is accessible from an interior room.

(C) A bay window that extends at least two feet wide.



(D) A section of the façade that is recessed by at least two feet deep and six feet long.

(E) A gabled dormer.

(ii) For buildings over 60 feet in length that faces a street, at least one element in subsection (4)(a)(i) of this section shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.

(iii) For dwellings with less than 30 feet in length that faces a street, a covered porch at least five feet deep is required.

**Applicant Response:** These standards are met as follows:

- (A) Covered porches (8' minimum) are provided at each of the buildings at ground floor units.
- (B) Balconies on the 2<sup>nd</sup> and 3<sup>rd</sup> level are 4' deep at each building and are accessed from the living room.
- (C) We should discuss this requirement...
- (D) Each Structure provides at least three horizontal offsets that are 4 plus feet (main entrance offset and two rear balcony offsets).
- (E) Each of the apartment buildings provides multiple gable roof lines that break up the massing of the main roof of the structures. Awnings are also provided over the main entrances at the stairs as well as over the balconies at the rear of the units.

(b) Transparency. At least fifteen percent (15%) of the area of each street-facing façade must be windows or entrance doors.

(i) Windows and/or doors (not including garage doors) utilizing clear glass and entry doors of any material may be used to meet this standard.

(ii) Roof area shall not count toward total street-facing façade area but wall area above wall headers (e.g., gable ends and dormers) shall count.

(iii) Entry doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

(iv) Half of the total window area in the door(s) of an attached garage counts toward the transparency standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

**Applicant Response:** Considering this development is off of Oak Street by nearly 300 feet and only 1/3 of the development faces the street (300' away) this standard does not really apply. However, each building end has three distinct windows on the façade.

- (c) Main Entrance. At least one main entrance must meet both of the following standards:
  - (i) Be no further than eight feet behind the longest street-facing wall of the building.
  - (ii) Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
    - (A) Be at least 25 square feet in area with a minimum four-foot depth.
    - (B) Have at least one porch entry facing the street.
    - (C) Have a roof that is no more than 12 feet above the floor of the porch.
    - (D) Have a roof that covers at least 30% of the porch area.

**Applicant Response:** Considering this development is off of Oak Street by nearly 300 feet and only 1/3 of the development faces the street (300' away) this standard does not really apply.

- (d) Detailed Design. All buildings containing dwellings shall include at least five of the following features on any street-facing façade. See MDC Figures 18.30.190(4) and 18.30.190(5) for illustration of this standard.

Figure 18.30.190(4). Detailed Design and Building Articulation, One to Four Units

- (i) Covered porch at least five feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least five feet wide.
- (ii) Recessed entry area at least two feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.
- (iii) Offset on the building face of at least 16 inches from one exterior wall surface to the other.
- (iv) Dormer that is at least four feet wide and integrated into the roof form.
- (v) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.

- (vi) Roof line offsets of at least two feet from the top surface of one roof to the top surface of the other.
- (vii) Tile or wood shingle roofs.
- (viii) Horizontal lap siding between three to seven inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- (ix) Brick, cedar shingles, stucco, or other similar decorative materials covering at least thirty percent (30%) of the street-facing façade.
- (x) Gable roof, hip roof, or gambrel roof design.
- (xi) Window trim around all windows at least three inches wide and five-eighths (5/8) inch deep.
- (xii) Window recesses, in all windows, of at least three inches as measured horizontally from the face of the building façade.
- (xiii) Balcony that is at least three feet deep, five feet wide, and accessible from an interior room. For townhouses, a balcony must be at least two feet deep and four feet wide.
- (xiv) One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- (xv) Bay window at least two feet deep and five feet long. For townhouses, bay windows must be at least two feet deep by four feet wide.
- (xvi) Balconies and bay windows for townhouses may encroach into the required setback area.

**Applicant Response:** The building design meets the following standards (8) total: (ii), (iii), (iv), (v), (viii), (x), (xi) and (xiii).

(e) Transitional Space. Ground floor dwellings which have their entry access from the street or a shared open space (e.g., a common courtyard) must include an area of transition behind the right-of-way (or tract or easement). The standards below apply when the private dwelling entry access door is within 10 feet of the street-facing property line, within the front yard setback, or within 10 feet of a shared open space common tract. Mixed-use residential buildings are exempt from this standard. The transitional space between the public realm and the entry door may be either vertical or horizontal, as described below. A lobby counts as transitional space.

(i) A vertical transition must be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least three feet, and not more than six feet, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least four feet from the front lot line.

(ii) A horizontal transition shall be a covered porch with a depth of at least six feet. The porch may encroach into the required front yard, but it must be at least four feet from the front lot line.

**Applicant Response:** This standard does not apply.

(f) Common Area.

(i) Except in C-2 or C-3 zone, townhouse projects with eight units or more (or greater than 1.5 gross acres) and all apartments must provide a common area that allows for passive and active recreation that meets the following standards:

(A) The common area must be no less than 200 square feet per dwelling in the development.

(B) There must be a lawn area with outdoor seating on the common area that will allow residents and their guests to reasonably gather and recreate. Landscaped portions of the common area may be applied towards satisfaction of the open space requirement for a master planned development.

(C) In addition to any other requirement, at least one recreational amenity must be provided for any development with twenty-five (25) or more dwellings, and two recreational amenities will be provided for any development with fifty (50) or more dwellings. Recreational amenities include swimming pools, playgrounds, sport courts, covered seating area, outdoor cooking facilities, and other amenities acceptable to the decision maker. Recreational facilities may be located on common area, but at least fifty percent (50%) of the common area must remain landscaped.

(ii) In the C-2 and C-3 zones, all residential uses other than cottage cluster developments must provide 50 square feet per dwelling unit for passive use, such as patios (ground level or rooftop), decks, balconies, etc. The square footage may be any combination of common area or private space for individual units.

(iii) Cottage clusters must provide the common courtyard required under MDC [18.30.192](#) regardless of zone.

**Applicant Response:** The project includes an apartment development, so this standard applies. The total required common area is 200 sf per unit and there are 60 units. Therefore, the minimum common area required is 12,000 sf.

There are active and passive areas throughout the development that are intended to serve different purposes and work with the natural topography of the land.

**Patio Area = 1,772 sf** Paver patio with tables, chairs, pedestal grills and shade trees.

**Dog Park and Gravel Path = 10,958 sf** Benches, trees, and lawn are proposed in the dog park. There is a central lawn and mulch walking area around the perimeter. People are not required to have a dog to use this area. The adjacent meandering gravel path is approximately 200 feet long and will have trees, including red oak, and grasses planted adjacent to it. The sloped area adjacent to the property line south of the gravel path is to remain native and is not included in this square footage.

**Total common area = 12,730 sf**

(g) Pedestrian Circulation.

(i) An accessible pedestrian path must be provided that connects the main entrance of each dwelling to the following, as applicable:

(A) The common courtyard;

(B) Shared parking areas;

(C) Community buildings; and

(D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

(ii) The pedestrian path must be hard-surfaced, ADA compliant, and a minimum of five feet wide.

**Applicant Response:** An accessible pedestrian path is proposed to link buildings with parking, NE Oak Street, the plaza and dog park areas. See planning drawings for details.

(h) Off-Street Parking.

(i) Development involving dwellings must provide the applicable amount of off-street parking required under MDC [18.25.050](#).

(ii) Driveways for any development involving dwellings must be hard surfaced (i.e. asphalt, concrete, pavers, turfstone pavers, or other material acceptable to Community Development Director) and otherwise compliant with design and construction standards.

(iii) If a development involving dwellings features four or more parking stalls outside of garages, such external parking stalls shall be arranged in clusters, subject to the following standards:

(A) Parking clusters shall not exceed eight contiguous spaces.

(B) Parking clusters must be separated from other clusters by at least four feet of landscaping.

(C) All parking stalls and vehicle maneuvering areas must be hard surfaced.

(iv) Except for driveways (and permitted parking on driveways), off-street parking spaces and vehicle maneuvering areas must not be located:

(A) Within 10 feet from any street-facing property line, except alley property lines.

(B) Between a street property line and the front façade of any building. This standard does not apply to alleys.

(C) Off-street parking spaces must not be located within five feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within five feet of other property lines.

(v) Landscaping, fencing, or walls that are at least three feet tall must separate and screen clustered parking areas and parking structures from common courtyards and public streets.

**Applicant Response:** Off-street parking is addressed in Section 18.25.050 of this narrative.

(i) Privacy and Screening.

(i) Mechanical, communication equipment, outdoor garbage, and recycling areas must be screened so they are not visible from streets and common open spaces.

(ii) Utilities such as transformers, heating and cooling, power meters, and other utility equipment must not be located within five feet of a front entrance of a dwelling and must be screened with sight-obscuring materials.

(iii) All fences must be no more than six feet high. Chain-link fences are prohibited.

**Applicant Response:** The privacy and screening standards are met as follows:

(i): Garage areas are designed with an enclosed structure to screen dumpsters and recycling bins.

(ii): Transformers and electrical meters will be screened accordingly

(iii): Fences are 6' cedar wood fencing around the perimeter.

(j) Storage.

(i) All dwellings except for dwellings within mixed-used buildings and apartments must provide a minimum of 24 square feet of storage per each unit. Storage must be individually assigned to each dwelling unit and located in garages, exterior accessible closets or attached storage units, or detached storage units within 200 feet from each unit.

(ii) Dwellings within mixed-used buildings and apartments may either comply with subsection (4)(j)(i) of this section, provide 24 square feet of storage within each dwelling unit in closets other than bedroom closets, or some combination of the foregoing two options that amounts to 24 square feet of storage in total.

(iii) Only storage areas with six feet or more of vertical clearance shall count toward the minimum storage requirements.

(iv) Only garage space in excess of 150 square feet may be applied towards storage requirements.

**Applicant Response:** Storage units are provided in each unit that is accessed off of the porch or balcony. No garages are proposed. Future tenant storage units may be proposed near the entrance of the property.

(k) Trash Enclosures. Any residential development of three or more dwelling units (including any townhome or cluster development of three or more dwelling units) must provide an enclosure for storage of trash and recycling bins or dumpsters. The trash enclosure may either be at a centralized location or incorporated into the design of each dwelling unit. Trash enclosures must use the same color and materials as the dwelling units on the site. Trash collection bins or carts must be approved by the collection company. The trash enclosures and service areas are subject to the same setback standards from all public or private streets as the dwellings on the site. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 945 § 2 (Exh. B), 2020.]

(...)

**Applicant Response:** The trash enclosure is centrally located near Building 3 and will be constructed with the same materials and colors as the proposed apartment buildings. See architectural plans for trash enclosure and building material details.

## **Chapter 18.35: SIGNS**

### **SECTION 18.35.010 Basic provisions.**

- (1) Sign Erection, Repair, Etc. It is unlawful for any person to erect, repair, alter, relocate or maintain within the City any sign or other graphic except as provided in this Development Code.
- (2) Sign Conformance. All signs must be erected, altered, and maintained in conformance with this Development Code, the Uniform Building Code, and all other applicable state and federal laws. No sign shall stand on, protrude onto, or be anchored in rights-of-way or other public property without the written authorization of the public entity responsible for such property. [Ord. 933 § 7.1, 2019.]

**Applicant Response:** There are no signs proposed. This criteria does not apply.

### **SECTION 18.35.020 Prohibited signs.**

Except for nonconforming signs, the following signs are unlawful and are declared nuisances:

- (1) Abandoned signs.
- (2) Video signs or other signs that display a moving image other than scrolling/flashing/changing text or numbers.
- (3) Electronic signs that flash, change colors, display a moving/changing image (including scrolling/flashing/changing text or numbers), or would otherwise pose a distraction to motorists unless authorized to be located on public property.
- (4) Any sign constructed, maintained, or altered in a manner without a permit or otherwise in violation of this Development Code.
- (5) Any sign constructed or maintained which, by reason of its size, location, movement, coloring, or manner of illumination may be confused with or construed as a traffic control device/signage or which hides from view any traffic control device/signage.
- (6) Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire or other emergency.



- (7) Any sign located in a manner that could impede traffic on any street, alley, sidewalk, bikeway, or other pedestrian or vehicular travel way.
- (8) Any sign equipped with moving, rotating, or otherwise animated parts.
- (9) Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign.
- (10) Any sign located on private property within the vision clearance area.
- (11) Any sign attached to a tree, plant, or utility pole, except as otherwise allowed or required by applicable law.
- (12) Any sign within or over any public right-of-way (including banners spanning a public right-of-way) or located on private property less than two feet from any area subject to vehicular travel, except for signs, whether permanent or temporary, specifically allowed within the public right-of-way with the approval of the controlling jurisdiction.
- (13) Off-premises signs and signs not authorized within a right-of-way by the controlling jurisdiction.
- (14) Roof signs.
- (15) Any other sign that is not allowed under this Development Code that presents a threat to public health, safety, or welfare, or is otherwise unlawful. [Ord. 933 § 7.2, 2019.]

**SECTION 18.35.030 Signs in residential zones.**

- (1) Residential properties are limited to two residential signs per property.
- (2) Notwithstanding subsection [\(1\)](#) of this section, nonresidential uses authorized by the Development Code and residential structures comprised of five or more independent dwelling units may erect additional signs as follows:
  - (a) One or more wall-mounted signs not exceeding 100 square feet. Signs authorized under this provision must be erected as a flush-mounted wall sign as defined in this Development Code.
  - (b) One freestanding sign not exceeding 100 square feet in size.
  - (c) The total area for all signage shall be limited to 150 square feet.

(d) Signs shall not be back-lighted or electronic. Front-light illumination is authorized where it does not project onto adjoining properties and is otherwise compliant with the outdoor lighting standards.

(3) Property designated as common property on a plat or other deed restriction is deemed to be an authorized nonresidential use for purposes of this section.

(4) Notwithstanding subsection (2) of this section, only residential signs may be used to advertise home occupations, as that term is defined in the Development Code. [Ord. 933 § 7.3, 2019.]

**Applicant Response:** There are no signs proposed with this application. This criteria does not apply. Any signs proposed in the future will be subject to a separate sign permit review.

**SECTION 18.35.040 Signs in nonresidential zones.**

Signs in nonresidential zones shall meet the following standards:

(1) The total area of all signs on the premises may not exceed 300 square feet. Unless otherwise prohibited by this section, the maximum area shall be 150 square feet for any individual sign.

(2) Freestanding signs in all nonresidential zones are subject to the following restrictions:

Table 18.35.040-1. Freestanding Signs in Nonresidential Zones

FREESTANDING SIGNS				
ZONE	TYPE ALLOWED	NUMBER ALLOWED	MAXIMUM AREA	MAXIMUM HEIGHT
C-1	Pole or Monument	1 *	150 sq. ft.	20 ft.
C-2	Monument	1 *	32 sq. ft.	8 ft.
C-3	Pole or Monument	1 *	40 sq. ft.	20 ft.
NC	Pole or Monument	1 *	32 sq. ft.	20 ft.
Industrial	Pole or Monument	1 *	150 sq. ft.	35 ft.

\* One freestanding sign shall be allowed per property except as allowed by subsections (3) and (4) of this section.

(3) For through lots (properties that have frontage on opposite sides of the same block), two freestanding signs are permitted. The freestanding signs must be oriented toward opposite frontages.

(4) A business complex under two acres in gross area, regardless of the number of individual properties comprising the business complex, shall only be permitted the amount of signage permitted for a single property. A business complex over two acres in gross area shall be permitted the amount of signage permitted for two properties, which may be distributed throughout the business complex regardless of internal property lines. These limitations apply regardless of the number of businesses, buildings, or properties that comprise the business complex.

(5) Each building on a property shall be entitled to two square feet of flush-mounted or wall sign area per lineal foot of the building's width on the dominant facade, with a maximum of 150 square feet of signs or six percent (6%) of the linear measurement of the building's dominant facade, whichever is greater. This limitation applies regardless of the number of businesses that may occupy the building. [Ord. 933 § 7.4, 2019.]

**Applicant Response:** There are no signs proposed and the property is zone residential. This criteria does not apply.

#### **SECTION 18.35.050 Projecting signs.**

Unless otherwise permitted by this Development Code or by the Public Works Director, signs shall not encroach onto:

- (1) Adjoining properties;
- (2) A public right-of-way; or
- (3) Any vision clearance area. [Ord. 933 § 7.5, 2019.]

**Applicant Response:** There are no signs proposed. This criteria does not apply.

#### **SECTION 18.35.060 Directional signs.**

Directional signs designed to be read by a person on the premises on which the sign is located and used to identify buildings/businesses/amenities or direct persons on the premises are limited to four square feet in area and may be no more than four feet high if freestanding. If the sign is on the wall of a building, the directional sign shall be limited to four square feet in area and located no more than eight feet high. [Ord. 933 § 7.6, 2019.]

**SECTION 18.35.070 Sign location.**

Except for billboards, signs may not extend above the roofline, eaves, or parapet wall of the building to which they are attached, or above the tallest building on the premises (or closest building if the property is vacant) if the sign is freestanding. [Ord. 933 § 7.7, 2019.]

**SECTION 18.35.080 Billboards.**

Billboards are allowed with certain limitations in specified nonresidential zones but are prohibited in all residential zones. Billboards shall also be subject to the following regulations:

(1) Limitation on the Total Number of Billboards. The total number of billboards located within the City limits and urban growth boundary shall be limited to eighteen (18). Signs lost or removed for any reason shall not be replaced until the total number of billboards in the City limits and urban growth boundary is reduced to fourteen (14), which shall then become the maximum number of billboards permitted thereafter.

(2) Replacement of Billboards. When the total number of billboards within the City limits and urban growth boundary has been reduced in number to a total of fourteen (14), in accordance with subsection [\(1\)](#) of this section, billboards may be replaced upon application by any person or entity possessing an appropriate State of Oregon permit, subject at all times to the maximum fourteen (14) sign number limitation.

(a) No person or entity shall file an application for a new or replacement billboard without proof of possession of a valid State of Oregon permit allowing placement of a billboard within the designated City limits and urban growth boundary. New or replacement billboards shall be permitted only as provided in subsection [\(3\)](#) of this section.

(3) Maximum Size Limit for Replacement Billboard. The maximum size of each replacement billboard sign, noted in subsection [\(2\)](#) of this section, shall be 250 square feet per side.

(4) Location of Billboards.

(a) No billboards shall be permitted on 4th or 5th Streets between S.E. J Street and N.E. Cedar Street.

(b) Only one billboard is permitted per property.

(c) No billboard shall be located within 400 feet of another billboard.

(5) Height of Billboards. No billboard shall exceed 35 feet in height.

(6) Features. Billboards may not feature video screens, reader boards, or other components that flash, change colors, display movement, or would otherwise pose a distraction to motorists. [Ord. 933 § 7.8, 2019.]

**Applicant Response:** There are no billboards proposed. This criteria does not apply.

**SECTION 18.35.090 Temporary signs.**

(1) General Requirements. Temporary signs shall not be restricted by content and shall not affect the amount or type of signage otherwise allowed by this Development Code. Examples of temporary signs include, but are not limited to, nonpermanent signs usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, construction, or events. Temporary signs may be erected and maintained in the City only in compliance with the following specific provisions:

(a) No temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign without a permit.

(b) Temporary signs may not be reflective, electronic, or contain any moving or flashing parts.

(c) A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.

(d) Except as provided in this Development Code, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices.

(e) No temporary sign shall be erected or maintained which, by reason of its size, location, or construction constitutes a hazard to the public.

(f) No temporary signs shall be allowed in the public right-of-way or on public property except as provided below. The following temporary signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this Development Code. No temporary sign permitted under this subsection shall interrupt the normal flow of vehicle, pedestrian, or bicycle traffic, shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists, and shall not inhibit the use of parking facilities. No temporary sign permitted under this subsection shall extend into a vision clearance area. Temporary signs allowed under this subsection include:

(i) Signs owned or erected by the public body that owns or manages the right-of-way or public property;

(ii) Sidewalk signs subject to the following limitations:

(A) Sidewalk signs shall be displayed only during the business hours of the responsible business.

(B) Sidewalk signs shall occupy no more than four square feet of right-of-way and shall be no taller than four feet.

(C) Sidewalk signs placed anywhere other than directly adjacent to the business shall be placed only with the written consent of the property owner of the adjacent property.

(D) No more than one sidewalk sign shall be permitted per business on a particular property except that one additional sidewalk sign shall be permitted per property for each 200 feet of street frontage. Notwithstanding the foregoing, in no event may a property be associated with more than three sidewalk signs.

(g) Substantially similar temporary signs and those advertising the same event, which are erected sequentially, will be considered the same temporary sign for purposes of applicable temporal limitations.

(h) Temporary signs shall be removed within seven days after the culmination of the event or purpose for which the temporary sign was erected, regardless of any permitted time then remaining.

(2) Temporary Signs in Residential Zones. Temporary signs in residential zones shall be restricted as follows:

(a) Temporary signs not exceeding six square feet in area or four feet in height shall be permitted for a period of ninety (90) days.

(b) Temporary signs exceeding six square feet in area and/or four feet in height, but not exceeding 12 square feet and/or six feet in height shall be permitted for a period of thirty (30) days. No more than one such sign shall be permitted per property.

(c) The maximum square footage of temporary signs on any particular residential property is 25 square feet.

(3) Temporary Signs in Nonresidential Zones. Temporary signs in nonresidential zones shall be restricted as follows:

(a) Temporary signs not exceeding 20 square feet in area or six feet in height shall be permitted for a period of one hundred twenty (120) days.

(b) Temporary signs exceeding 20 square feet in area and/or six feet in height, but not exceeding 32 square feet and/or 10 feet in height, shall be permitted for a period of sixty (60) days.

(c) The maximum square footage of temporary signs on any particular nonresidential property is 250 square feet per acre with a minimum of 50 square feet and maximum of 500 square feet. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 7.9, 2019.]

**Applicant Response:** The applicant understands the restrictions and requirements pertaining to temporary signs.

### **SECTION 18.35.100 Exemptions.**

The following signs are exempt from the permitting requirements of this Development Code. All signs, even those exempt from permitting, must comply with sign dimensional, location, placement, maintenance, and all other applicable requirements.

- (1) Traffic or pedestrian control signs.
- (2) Signs erected or maintained by public bodies.
- (3) Flags mounted on a pole in the ground or on a building are exempt, but are subject to Development Code height regulations and shall be located and constructed so that, if the pole should collapse, its reclining length would be contained on the property on which it is installed.
- (4) Signs placed in the public right-of-way by the public body responsible for administering the right-of-way or by a public body providing transit services within the right-of-way.
- (5) Plaques, tablets, or inscriptions on buildings that do not exceed four square feet in area.
- (6) Signs constructed to identify emergency services such as fire, police, or hospital facilities.
- (7) Temporary signs that comply with the provisions of MDC [18.35.090](#).
- (8) Residential signs.
- (9) Signs altered or erected pursuant to MDC [18.35.120\(1\)\(c\)](#). [Ord. 933 § 7.10, 2019.]

### **SECTION 18.35.110 Sign permits.**

(1) Permit Applications. Unless exempt under MDC [18.35.100](#), a permit issued by the Community Development Director is required to erect or alter any sign within the City limits. Applications for a sign permit shall be made in writing upon forms furnished by the City and

subject to applicable fees. Such applications shall include a scale drawing of the sign, including dimensions, height, and materials, and show its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted that indicates the location of proposed signage relative to streets and property lines.

Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign and a building permit may be required. The Building Official or Community Development Director may require other pertinent information where, in their opinion, such information is necessary to determine compliance with the provisions of this Development Code.

(2) Issuance of Permit. The Community Development Director shall approve an application and issue a sign permit unless the sign fails to meet the standards or is otherwise in violation of the provisions of this Development Code. Sign permits mistakenly issued in violation of this Development Code are void.

(3) Permit Revocation. The Community Development Director may revoke a sign permit if there was a material omission or misleading statement of fact in the application for the permit.

(4) Permit Time Restrictions. A sign permit shall be null and void if all work necessary to erect the sign has not been completed within six months of the date of issuance of the permit. The Community Development Director may authorize a single extension for up to an additional three months if the applicant demonstrates significant progress or that the delay was the result of circumstances outside of the applicant's control. Otherwise, the applicant must apply for and obtain a new approval to erect the subject sign.

(5) Temporary Sign Permits. The Community Development Director may grant temporary permits for nonexempt temporary signs for a period of no more than thirty (30) days if the Community Development Director determines the sign will not present a risk to health, safety, or welfare and does not exceed applicable regulations for a comparable permanent sign. The Community Development Director may condition a temporary sign permit by any means necessary to achieve the objectives of this Development Code. Applicants shall apply for a temporary sign permit on the forms prescribed by the Community Development Director. [Ord. 933 § 7.11, 2019.]

#### **SECTION 18.35.120 Sign maintenance and enforcement.**

(1) Existing Sign Alteration or Replacement.

(a) Nonconforming signs must not be altered or replaced unless the sign is made to conform to the provisions of this Development Code, or otherwise allowed under subsection [\(3\)](#) of this section, Sign Maintenance Requirements.



(b) Premises with a nonconforming sign shall not be eligible for any additional signs until the existing sign is made to conform to the requirements of this Development Code.

(c) Pole signs located in the Downtown Commercial (C-2) Zone are permitted to change the business name and logo on existing pole signs without application for a new sign permit so long as the use of a building does not change (e.g., retail to retail). A change in use of a building requires all signage to comply with all requirements of this Development Code. A change of use shall be determined by the difference in the minimum number of required off-street parking spaces between the previous and proposed uses as required under MDC Table 18.25.050-1. If there is a difference in the minimum number of required off-street parking spaces, it shall constitute a change of use only for the purposes of the sign maintenance requirements of this Development Code under subsection [\(3\)](#) of this section.

(d) For signs subject to permitting requirements, changes to interchangeable panels or other alterations to the face of a sign shall also be subject to the permitting requirements in MDC [18.35.110](#).

(2) Damaged Signs. Any sign that is damaged by over fifty-one percent (51%) of the replacement cost of the sign shall not be eligible for repair, but shall be immediately removed. Any replacement signs shall conform to the standards of this Development Code and be subject to the same permitting requirements as if the sign were new.

(3) Sign Maintenance Requirements.

(a) All signs within the City limits shall be maintained in a secure and safe manner. Maintenance includes minor repairs necessary to maintain the sign in its original state.

(b) Temporary and freestanding signs shall be kept clear of rubbish and weeds. All other signs shall be securely mounted to a structure. If any sign is found not to be securely mounted, or if it is a hazard, the owner shall be notified and shall be instructed to secure the sign. An owner shall secure the sign within ten (10) days of notice. [Ord. 933 § 7.12, 2019.]

#### **SECTION 18.35.130 Variance.**

An applicant for a sign permit or an applicant owning or leasing a sign that is not in compliance with the provisions of this Development Code may apply for a variance. Applications for a minor or major variance shall be processed in accordance with the procedures and criteria for a variance set out in MDC [18.50.040](#). [Ord. 933 § 7.13, 2019.]

### **Chapter 18.40: ZONING REVIEW, SITE PLAN REVIEW, AND DESIGN REVIEW**

#### **SECTION 18.40.010 Zoning review.**

Purpose. To determine compliance with this Development Code for development not subject to site plan review.

(1) Application Requirements. Prior to the construction, alteration, or change of use for development not subject to site plan review, the City Community Development Department may require a zoning review application, which will be processed as a Type I Application.

(2) Approval Criteria.

(a) The proposed land use is a permitted or conditionally permitted use in the zoning district.

(b) If conditionally permitted, the applicant has obtained conditional use approval.

(c) The setbacks, lot area, landscaping, lot dimensions, density, lot coverage, building height, Design Review Standards, and other applicable standards of the underlying zoning district are met.

(d) The property has lawful access.

(e) The minimum required number of parking spaces and vehicle circulation areas shall be paved and striped.

(3) Approval. Approval of a zoning review application shall be void after one year unless a building permit has been obtained and substantial construction has taken place. However, the Community Development Director may extend authorization for an additional period not to exceed one year upon request by the applicant or property owner. [Ord. 933 § 8.1, 2019.]

**Applicant Response:** The applicant understands the requirements and criteria associated with zoning review.

#### **SECTION 18.40.020 Site plan review.**

Purpose. To determine compliance with this Development Code for development not subject to zoning review.

(1) Applicability. Site plan review is required for the following:

(a) All new or modified conditional uses.

(b) All new nonresidential development.

(c) Apartments.

- (d) All new or modified outdoor uses of 3,000 square feet or greater.
- (e) Any expansion or modification of an existing nonresidential or apartment or residential mixed-use development in excess of 3,000 square feet or that requires a new or modified point of access.
- (f) All townhome developments.
- (g) Cottage cluster developments.

**Applicant Response:** The project includes apartments. This criteria is applicable.

(2) Site Plan Committee.

- (a) The Site Plan Committee shall consist of:
  - (i) Community Development Director;
  - (ii) Public Works Director;
  - (iii) Fire Marshal; and
  - (iv) Building Official.

These individuals shall carry out the duties as set forth in this section.

(b) The Site Plan Committee shall review the proposal subject to site plan review of the Development Code. Once the Site Plan Committee members have submitted their comments to the Community Development Director, the Community Development Director may approve a proposal with conditions if minimal modification will permit the proposal to comply with requirements of this Development Code. The Community Development Director may refer any site plan application to the Planning Commission for determination.

**Applicant Response:** The applicant understands that the Site Plan will be reviewed by various departments and officials.

(3) Procedures.

(a) Before any building permit is issued for any development subject to a site plan review, a site plan application shall be submitted for determination.

(b) Prior to filing a site plan application, the applicant is encouraged to confer with the Community Development Department concerning the requirements of a formal application.

(c) The site plan application shall be filed on a form provided by the Community Development Department.

(d) The site plan shall be drawn to scale and shall indicate the following:

(i) Location, size, and height of all existing or proposed structures.

(ii) Location, size, and dimension of existing and proposed setbacks, and all spaces between buildings.

(iii) Adjoining streets and rights-of-way.

(iv) Points of access and circulation patterns, loading and maneuvering spaces.

(v) Off-street parking; showing location of parking areas, number of parking spaces including accessible parking, and type of surface.

(vi) Sidewalks, patios, courtyards, and decks.

(vii) Storm drainage system, including, but not limited to, draining and grading plan, existing topography, and elevations.

(viii) Fences, screens, and retaining walls, including heights and materials.

(ix) Existing utilities (e.g., electric, gas, power lines).

(x) Exterior lighting (show location and general nature).

(xi) Sanitary sewer system or location of septic tank and drain field (if still using and not connected to City sewer), and the distance the lot is from the nearest sewer connection.

(xii) Water supply (showing size of main, water flow, and size of water line).

(xiii) Location of existing and, if any, proposed fire hydrants with size and flow data.

(xiv) Identify any existing or proposed easements.

(xv) Proposed public improvements.

(xvi) Sign (if existing, location and size). Signs are subject to the provisions of Chapter [18.35](#) MDC.

(xvii) Give intended type of occupancy for the structure (e.g., assembly, educational, manufacturing, processing, storage and type of contents).

(xviii) List all existing or proposed conditions that could be hazardous to life and property from fire or explosion (e.g., storage of: liquefied petroleum gas, flammable or combustible liquids, explosives and blasting agents).

(e) Within thirty (30) days, the Community Development Director shall deem the application complete or notify the applicant of the deficiencies in the application.

(...)

**Applicant Response:** The applicant understands the procedures and requirements associated with a Site Plan application.

(5) Approval Criteria for Needed Housing.

(a) Approval of a site plan for needed housing shall be based on the following criteria:

(i) Allowed Use. The proposed land use is an allowed use in the zoning district.

(ii) Zoning Standards. The proposal complies or can comply with the applicable standards of the applicable zoning district(s) in which it is located.

(iii) Safety. The proposed development complies or can comply with applicable building and fire code standards.

(iv) Special Needs of the Disabled. The proposed development complies or can comply with the Americans with Disabilities Act and its implementing regulations.

(v) Public Improvements. The proposal demonstrates compliance with the Public Improvement Standards.

(vi) Public Facilities. All required public facilities have adequate capacity, as determined by the City, to serve the proposed use including, without limitation, the transportation, sewer, stormwater, and water systems.

(vii) Supplementary Provisions. All applicable provisions in Chapter [18.25](#) MDC are satisfied.

(viii) Special Standards for Certain Uses. All applicable provisions in Chapter [18.30](#) MDC are satisfied.

(ix) Master Plan Compliance. The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.

**Applicant Response:** This is not a needed housing application. This criteria does not apply.

(6) To ensure that a development proposal satisfies applicable criteria, and mitigates identified impacts, the City may impose conditions of approval including, but not limited to, the following:

- (a) An increase in the required setback(s).
- (b) Modifications to pedestrian and vehicular circulation patterns, parking provisions, the location and number of points of access to the site, sidewalks, and designs of parking areas.
- (c) Additional off-street parking.
- (d) Limitations on the size, location, and number of outdoor lights.
- (e) Limitations on the number and location of curb cuts.
- (f) Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposal.
- (g) Dedication of land or an easement for the creation or extension of access corridors for pedestrian and bicycle travel.
- (h) Improvements, including, but not limited to, paving, curbing, installation of traffic signals, construction of sidewalks, striping bike lanes, or other improvements to the street system which serves the subject property where the existing street system will be burdened by the applicant's proposal or the proposal would create health or safety issues if unmitigated.
- (i) Improvement or enlargement of utilities serving the subject property where the existing utilities system will be burdened by the proposal. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- (j) Landscaping shall comply with the appropriate zoning district's landscape requirements within the Development Code.

- (k) Transit facility or an easement for bus pullout if on a mass transit route.
- (l) Location or orientation of buildings and entrances closer to the street to serve pedestrians, bicyclists, and/or mass transit use.
- (m) Any other limitations or conditions necessary to achieve the purpose of this Development Code.

**Applicant Response:** The applicant understands that the City will impose conditions of approval relating to the items above as part of the land use decision.

(7) Review Process. The Community Development Director may (at his/her discretion) elevate the application to a Type III application and review process.

(8) Appeal. The applicant or any interested person may appeal a decision of the Site Plan Committee to the City Council, in accordance with the procedures of MDC [18.80.240](#).

(9) Revisions. Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement, or use in any manner except in complete and strict compliance with the approved site plan.

(10) Time Limit on Site Plan Approval. Authorization of site plan approval shall become void after one year unless a building permit has been obtained and remains valid and active. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 955 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. B), 2020; Ord. 933 § 8.2, 2019.]

**Applicant Response:** The applicant understands the process for review, appeal and expiration of Site Plan Approval.

#### **SECTION 18.40.030 Design review.**

(1) Purpose. The purpose of design review is to ensure that the public health, safety, and general welfare are protected, and the general interest of the public is served. The standards provide for originality, flexibility, and innovation in site planning and development in order to enhance the special characteristics that make Madras a unique place to live.

(2) Applicability. Unless exempt, the provisions of this section shall apply to the following activities:

- (a) All new nonresidential development.

- (b) All new apartment developments and mixed-use residential buildings that cannot meet or choose not to meet all applicable design standards in MDC [18.30.190](#).
  - (c) All exterior modifications to existing buildings except detached single-family dwellings.
  - (d) All new parking lots.
  - (e) All outdoor storage and display areas.
  - (f) Any expansion or modification of an existing nonresidential or apartment or residential mixed-use development in excess of 3,000 square feet or that requires a new or modified point of access that cannot meet or chooses not to meet all applicable design standards in MDC [18.30.190](#).
- (3) Exemptions. This Development Code section does not apply to the following activities:
- (a) Maintenance of the exterior of an existing structure such as re-roofing or re-siding.
  - (b) Interior remodeling.
  - (c) Parking lot expansions not exceeding twenty-five percent (25%) of the gross square footage of the original lot with no new access.

**Applicant Response:** The proposal includes apartments. This criteria is applicable.

(4) Review Process. The Community Development Director shall approve, approve with conditions, or deny an application based upon compliance with the site plan criteria and Design Review Standards. Approval shall be obtained from the review authority prior to the issuance of all building permits.

(5) Application Requirements. All applicants shall attend a pre-application conference prior to filing a land use application that involves design review with the Community Development Department. After attending the pre-application conference, the applicant shall file an application for design review along with other applicable applications (site plan and/or conditional use) with the Community Development Department.

**Applicant Response:** The applicant understands the procedures and requirements associated with a Design Review application.

(6) Standards for Approvals for Other Than Needed Housing.

(a) Natural Features. Buildings shall be sited to protect areas of special interest and significant natural features such as natural grade, trees, vegetation, and rock outcroppings. These resources are encouraged to be incorporated into the overall site plan and may be



calculated as part of the landscaping requirement. They are to be protected during construction.

(b) Pedestrian Walkways.

(i) Walkways From the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least fifty percent (50%) of the length of the walkway. Walkways shall be connected to adjacent sites wherever practicable.

(ii) Walkways From Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from the parking areas to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

**Applicant Response:** The proposal includes continuous pedestrian walkways from the buildings and parking areas to the site amenities and public right-of-way. See the planning drawings for details.

(c) Building and Sign Colors. Exterior colors and those used on signs shall be low reflectance, subtle, neutral and otherwise consistent with Ordinance [845](#)\*. The use of high intensity colors such as black, neon, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim. Structures shall be painted or repainted as needed to maintain an attractive appearance.

**Applicant Response:** Building colors are of a neutral earth tone palette and will blend in with the natural surrounding environment. A neutral green base to each building corresponds to the local pine forest and the body color for the remainder of the buildings relates to the natural soil of the high plains of Central Oregon.

(d) New primary buildings shall have at least one principal building entrance oriented toward the primary front property line. Entrances for customers or members of the public should be clearly delineated. Canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.

**Applicant Response:** Residential buildings have two clearly delineated entrances that are proud of the main facade offering a sheltered entry from rain, snow and intense sun. The exterior entrance offsets also contain two sizable columns with stone pilaster bases.

(e) Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public streets, parks, or other public areas. The architectural design of the building shall incorporate design features that screen and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, and service yards.

**Applicant Response:** The mechanical systems for the residential units are electric PTAC units and are located at the rear walls of the buildings, and will be painted to match the adjacent exterior color of the building.

(f) Exterior Building Design.

(i) Exterior walls of buildings that are greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls that can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.

**Applicant Response:** Each of the apartment buildings provides multiple gable roof lines that break up the massing of the main roof of the structures. Dormers are also provided over the main entrances at the stairs as well as the over the balconies at the rear of the units. To mitigate long, unbroken spans on the larger roof, a cross-gable has been added to break up the massing along the roof line.

(ii) Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures, or other features that complement the design intent of the structure and are acceptable to the review authority.

**Applicant Response:** The exterior wall designs of the structures takes on a mix of building materials and colors (lap siding, board/batt siding and shingle siding) to break up the long wall lengths and provide an enhanced character to the architecture. In addition, decorative brackets, offset eaves and windows are provided at the gable ends of each building to provide additional character.

(iii) A portion of the on-site landscaping shall abut the walls of the structure so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed from the street.

**Applicant Response:** Landscaping will be provided that includes fast growing pine species and several Maple varieties that grow quickly and will provide a burst of color during the autumn season.

(iv) The predominant building materials should be characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units, and/or glass products.

**Applicant Response:** The exterior wall designs of the structures takes on a mix of building materials and colors (Hardi lap siding, board/batt siding and shingle siding) and will provide an enhanced character to the architecture. The exterior entrances also contain two sizable columns with native stone pilaster bases.

(v) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

**Applicant Response:** The Roofing material will composite shingles that will have neutral warm gray color to blend in with the existing natural color palette of the environment.

(vi) Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project out over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat rooftops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.

**Applicant Response:** Each building's roof will provide Gables, dormers over balconies and entry. As well as a cross-gable roofline at the center of each residential building.

(vii) Community amenities, such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

**Applicant Response:** There are two common areas with community amenities located at or adjacent to the apartment site entrance. A fenced dog park with benches is located on the east side of the project entrance and a patio with barbecues and tables is located on the west side of the project entrance. See planning drawings for details.

(g) Architectural Features for Industrial Buildings.

(i) Exterior walls of buildings that can be viewed from a primary public street shall be constructed with at least three of the following architectural features: recesses, projections, wall insets, arcades, windows, window display areas, doors, awnings, balconies, window projections, landscape structures, or other features that complement the design intent of the structure.

**Applicant Response:** No industrial buildings are proposed. This criteria does not apply.

(7) Standards for Approvals for Needed Housing.

(a) Pedestrian Walkways.

(i) Walkways From the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least fifty percent (50%) of the length of the walkway. Walkways shall be connected to adjacent sites wherever practicable.

(ii) Walkways From Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from the parking areas to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

(b) Building and Sign Colors. Exterior colors and those used on signs shall be low reflectance, subtle, neutral and otherwise consistent with Ordinance [845\\*](#). The use of high intensity colors such as black, neon, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim. Structures shall be painted or repainted as needed to maintain an attractive appearance.

(c) All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the figure below. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, on each floor, and shall contain at least two of the following features:

- (i) Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six feet;
- (ii) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or
- (iii) Offsets or breaks in roof elevation of two feet or greater in height.

(d) All building elevations adjacent to a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of forty percent (40%) of front (i.e., street-facing) elevations, and a minimum of thirty percent (30%) of side and rear building elevations, shall meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Exceptions:

(i) A multifamily building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.

(ii) A multifamily building may be oriented to a common use courtyard.

(e) Detailed Design. All buildings shall provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides). There are two options for complying with this requirement:

(i) Menu Option. Detailed design shall be provided by using at least six of the following twelve (12) architectural features on all applicable elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations): dormers, gables, recessed entries, covered porch entries, cupolas, pillars or posts, eaves (minimum 12-inch projection), window trim (minimum four inches wide), bay windows, balconies, offsets in the building face or roof by a minimum of 18 inches, decorative patterns on the exterior finish using shingles, wainscoting, board and batt.

(ii) Detailed Design Option. Detailed design shall be provided by showing compliance with the following design criteria:

(A) The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying zoning of the subject site.

(B) If the project includes a large structure or structures (greater than 20,000 square feet), the design shall incorporate changes in direction and divide large masses into varying heights and sizes by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.

(C) Exterior finish on vertical surfaces shall be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood shall not exceed fifty percent (50%) of the wall area. No smooth-faced cinder block construction shall be permitted on front facades. Cinder block construction for side and rear facades shall be permitted by approval as part of this review process.

(8) Exceptions to Design Standards. An exception to the Design Review Standards may be approved by the Madras Planning Commission. The Planning Commission shall conduct a quasi-judicial hearing in accordance with the provisions of Chapter [18.80](#) MDC. The Planning Commission's decision may be appealed to the City Council in accordance with MDC [18.80.240](#). [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 955 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. B), 2020; Ord. 933 § 8.3, 2019.]

**Applicant Response:** The application does not include needed housing. This criteria does not apply.

**SECTION 18.40.040 Design review standards for buildings greater than 30,000 gross square feet (large-scale buildings).**

(1) Purpose. The purpose of these regulations is to mitigate potential impacts of large-scale buildings (those containing more than 30,000 gross square feet and infrastructure that supports such structures). The provisions set out below promote development that is compatible with, and does not detract from, the City's unique character, scale, and sense of place and encourage a mixture of uses and sizes of structures that facilitate a safe and comfortable pedestrian scale environment. Large-scale buildings and supporting infrastructure shall be kept in good condition and shall be the responsibility of the property owner or building owner. The standards in this section shall apply in addition to the standards of MDC [18.40.030](#). In case of a conflict, the more restrictive standards shall prevail.

(2) Applicability. These standards apply in addition to any Design Review Standards for all structures greater than 30,000 square feet in any zone.

(3) Size and Mass. No single structure greater than 150,000 gross square feet is permitted. Notwithstanding the foregoing, a structure may be larger than 150,000 gross square feet so long as no single separately rentable space within the structure exceeds 150,000 gross square feet.

(4) Building Design. Large-scale buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and reflect the local character. The following elements should be integral parts of the building fabric, and not superficially applied trim, graphics, or paint: color changes, material changes, texture changes, and relief features (such as offsets, projections, and reveals).

(a) Architectural Unity. All buildings on the same site shall be architecturally unified. “Architectural unity” means that buildings shall be related in architectural style, color scheme, and building materials.

(b) Exterior Materials. Predominant exterior building materials shall be of high quality material and in a color consistent with Ordinance [845](#). These include, without limitation: brick, exterior wood siding, rock, or stone or tinted and textured concrete masonry units. Facade colors shall be neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than fifteen percent (15%) of any building facade. The use of high intensity, metallic, black, or fluorescent colors, including primary colors, is not allowed. Exterior building materials shall not include the following:

- (i) Smooth-faced concrete block;
- (ii) Smooth-faced tilt-up concrete panels; or
- (iii) Pre-fabricated steel panels.

(c) Facades and Exterior Walls. The following standards, which apply to all building facades which are visible from adjoining public streets or properties, are intended to reduce the massive scale of large-scale buildings which, without application of these standards, would be incompatible with City’s desired character.

(i) Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.

(d) Roofs. The following standards are intended to foster variations in roof lines to add interest to, and reduce the scale of, large-scale buildings. Roof features should complement the character of adjoining development. Roofs shall have no less than two of the following features:

(i) Parapets concealing flat roofs and rooftop equipment, such as HVAC units, from the public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature

three-dimensional (3D) cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.

(ii) Overhanging eaves, extending no less than three feet past the supporting walls, for no less than thirty percent (30%) of the building perimeter.

(iii) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.

(iv) Three or more roof slope planes.

(e) Entryways. Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features:

(i) Large-scale buildings shall feature multiple entrances that are separated by not more than 300 feet along any side of a building requiring customer entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses. Multiple entryways or architectural features shall be incorporated into the design in order to break up the apparent mass and scale of large-scale buildings. Entrances may be to tenant spaces other than the primary tenant. For structures:

(A) 50,000 square feet to 75,000 square feet, there shall be a clearly articulated public entrance on at least two sides of the structure. At least one such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk.

(B) 75,000 square feet and above, shall provide a significant pedestrian amenity such as outdoor seating areas, play areas for children, and public courtyards.

(ii) All sides of a large-scale building that directly faces an abutting public street shall feature at least one customer entrance. Where a large-scale building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, those sides which are abutting the streets.

(iii) When structures are adjacent to a residential zone and separated from that zoning district by a public or private street, the large-scale building shall have at least one entryway facing that street.



(iv) Each large-scale building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- (A) Canopies or porticos;
- (B) Overhangs;
- (C) Recesses/projections;
- (D) Arcades;
- (E) Raised corniced parapets over the door;
- (F) Peaked roof forms;
- (G) Arches;
- (H) Outdoor patios;
- (I) Display windows;
- (J) Architectural details, such as tile work and moldings which are integrated into the building structure and design; or
- (K) Integral planters that incorporate landscaped areas and/or places for sitting.

(5) Site Design. All supporting or associated buildings and enclosures shall be designed to be compatible with a large-scale building. Compatibility will be measured in terms of design, form, use of materials, and color.

(a) Community Spaces. Large-scale buildings shall provide outdoor spaces and amenities to link structures with the remainder of the community. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity. Each large-scale building shall provide at least two of the following design features, which shall be constructed of materials that match the large-scale building and are linked by sidewalks to the structure:

- (i) Patio/seating area;
- (ii) Pedestrian plaza with benches;
- (iii) Window shopping walkway;

- (iv) Outdoor playground area; or
- (v) Water feature or clock tower.

(6) Landscaping. In addition to meeting the landscaping standards, all large-scale buildings shall provide the following landscaping, and it shall be the property owner's responsibility to ensure that the landscaping remains healthy and in good condition:

- (a) A landscaped buffer of at least 20 feet in width shall be provided along all property lines abutting roadways, with breaks for approved access points. A minimum of a five-foot wide landscape buffer shall be planted along all other property lines. No parking is permitted within these required landscape areas.
- (b) Landscaped areas shall be protected by raised curbs or fixed wheel stops approved by the Public Works Department. A variety of trees, shrubs, and flowers shall be incorporated into the landscaping.

(7) Pedestrian Circulation. Pedestrian accessibility opens auto-oriented developments to nearby neighborhoods, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for internal pedestrian circulation systems that will provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience.

- (a) Sidewalks no less than six feet in width shall be provided along the full length of the building, along any facade featuring a customer entrance, and along any facade abutting public parking areas. These sidewalks shall be located at least six feet from the front of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (b) Weather protection features such as awnings or arcades shall extend at least 20 feet from all customer entrances.

(8) Parking Orientation. In addition to the parking lot design standards, large-scale buildings shall comply with the additional regulations set forth in this subsection. Parking areas shall provide safe, convenient, and efficient access. They should be distributed around large-scale buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. When buildings are located closer to streets, pedestrian traffic is encouraged, and architectural details take on added importance. To achieve this, for any large-scale building, no more than twenty percent (20%) of the off-street parking areas for the entire property shall be located between the large-scale building(s) and an arterial street, unless other buildings located between the large-scale building and the arterial street extend along at least fifty percent (50%) of the frontage between the arterial and the large-scale building. [Ord. 933 § 8.4, 2019.]

**Applicant Response:** No buildings over 30,000 sf are proposed with this application. The standards of this section do not apply.

**SECTION 18.40.050 Residential development processing guide.**

The following table is intended as a summary of the processing procedures for various forms of residential development. Additional approvals (such as requirements for a master plan), or filing concurrent applications (such as a land division), may change the processing procedures reported in the summary table. In the event of any conflict between the summary table and any other provision of this code, the other provisions of this code will control.

Table 18.40.050.

Residential Type	Procedure Type	Zoning Review	Site Plan Review	Design Review
Single-Unit Dwellings	I	✓		
Accessory Dwellings	I	✓		
One to Four Units	I	✓		
Apartments	II		✓	✓
Townhomes	II		✓	
Cottage Clusters	II		✓	

[Ord. 968 § 2.6 (Exh. F), 2022.]

**Applicant Response:** The proposal includes and apartment development which is subject to Site Plan Review and Design Review.

**Chapter 18.75: AMENDMENTS**

**SECTION 18.75.010 Purpose.**

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Development Code, the Comprehensive Plan and map, and the Zoning Map. These will be referred to as “map and text amendments.” Map and text amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. Map and text amendments may be proposed by the City Council, Planning Commission, the Community Development Director, or any other person. [Ord. 933 § 15.1, 2019.]

(...)

**Applicant Response:** This section is a Purpose Statement and it does not contain any measureable approval criteria or development standards.

**SECTION 18.75.030 Quasi-judicial amendments.**

(1) Applicability, Procedure and Authority. Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure using the standards of approval in subsection (2) and/or (3) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the application may be approved, approved with conditions, or denied.

**Applicant Response:** The applicant understands the steps involved in a quasi-judicial amendment and is proposing a Zone Change from R1 to R3 for the subject property.

(2) Criteria for Quasi-Judicial Comprehensive Plan Map Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

- (a) Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Community Development Director;
- (b) Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Community Development Director;

**Applicant Response:** The requested Zone Change is consistent with the following Statewide Planning Goals and Policies of the Comprehensive Plan:

**Goal 1 - Citizen Involvement, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."**

**POLICY 1 - The City shall insure an adequate citizen involvement in all phases of the planning process.**

Statewide Planning Goal 1 and Comprehensive Plan Policy 1 are intended to "insure an adequate citizen involvement in all phases of the planning process". The proposed Zone Change, Subdivision and Site Plan will be processed as Type II and Type III applications, which are both public processes. Several opportunities for citizen involvement will be afforded by the Staff review, notices of application and decision and public hearings with City Council. Therefore, this goal is satisfied.

**Goal 2 – Land Use Planning, “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”**

**POLICY 2-B. The City and County shall be responsive to the changes in needs and conditions over time and amend the plan accordingly. The amendment process is discussed in the Land Use element.**

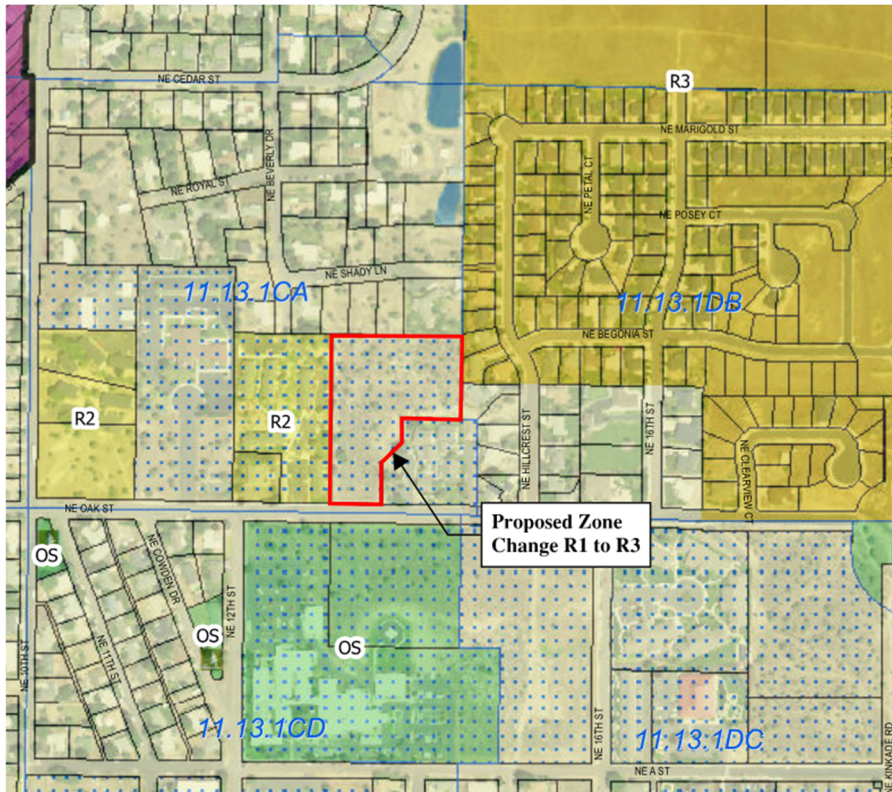
Statewide Planning Goal 2 and Comprehensive Plan Policy 2B are intended “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” The Madras Comprehensive Plan and Development Code contains the City’s adopted and acknowledged land use regulations. Future development proposals must comply with the City’s regulations as well as applicable state statutes. The goal of orderly land use planning is achieved through the implementation of the Madras Comprehensive Plan, the Madras Zoning Map and the Madras Development Code. Through this quasi-judicial application and compliance with the criteria and requirements of the MDC, the proposal will comply with Goal 2. Therefore, this goal is satisfied.

**Goal 10 – Housing, “To provide for the housing needs of Citizens of the state.”**

**POLICY 10-B. Encourage development of suitable housing to satisfy all income levels. The City’s existing housing includes a generous supply of housing that is affordable for low, and moderate income families, but there is a deficit of housing that is commensurate with the financial capabilities of existing and future high income families. The Department of Corrections Facility is expected to create high income jobs (i.e., jobs that will raise household incomes in excess of 120% of the MFI), and the City desires to attract these employees (and maintain existing high income families) as residents. So that housing is available for households at all income levels, rather than only low and moderate income households, the City shall encourage the development of housing that is suitable for high income households. To be competitive with housing in the region for high income buyers, the target housing in the City should include amenities appropriate for high income households, such as a golf course. With the addition of more livable and housing suitable for high income households, the City will grow into a more diverse, vibrant community.**

Statewide Planning Goal 10 and Comprehensive Plan Policy 10-B are intended to “Provide for the Housing Needs of the citizens of the State”. A Zone Change to R3 (defined below) will allow the site to be developed more efficiently and provide additional housing units. The site will offer three single family homes and sixty market-rate apartments with amenities, which satisfies Statewide Planning Goal 10 and Comprehensive Plan Policy 10-B.R-3 “Planned

Residential Development”. Planned Residential Development land use areas, as designated on the Comprehensive Plan Map, are intended to recognize and enhance areas of scenic quality and view amenities by allowing for flexibility in project design while providing for essential development standards. Within these areas development, which is sensitive to the natural topography of the site, minimizes alterations to the land, and maintains, enhances significant natural resources and is compatible with the surrounding development is encouraged. [Added by Ordinance No. 770, Passed by Council on July 25, 2006]



The proposed apartment development meets the intent of the R-3 Zone as follows. The zone change will allow for more efficient use of the topography and reduce alterations to the land by going vertical with the buildings and minimizing the total building footprint area. By preserving the natural topography of the site, the scenic and view amenities will be maintained and benefit to the development and enjoyed by the future residents. The site is compatible with the surrounding development as it sits between a memory care facility to the east, an apartment complex, dental office and church to the west and is directly across the street from St. Charles Hospital, Jefferson County Health Department and designated open space to the south. Additionally, the Morning Crest Estates subdivision, which is contiguous to the northeast corner of the site, is zoned R3.

**Goal 11 - Public Facilities and Services, “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”**

This Goal is intended to “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The area subject to the proposed amendment is an infill property that will accommodate single family and multi-family residential uses. The subject property is and can be served by public sanitary sewer, water, storm drainage, police, fire, schools, and parks. The existing development of surrounding properties precludes the ability to connect a through street, which makes the site ideal for the site plan that is proposed.

**Goal 14 Urbanization – “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”**

**POLICY 14-D. The City shall encourage the development of complete, livable communities that include characteristics such as: a variety of lot sizes, dwelling unit types and ownership types, open spaces and other recreational amenities, a mix of land uses, school and community facilities, connected streets, proximity to downtown and other employment centers, and development that is scaled to the pedestrian and creates a sense of place. New growth areas should be developed in accordance with the Master Planned Community Overlay zone, which requires generous open space and amenities, and encourages efficient use of land and public facilities and services, a variety of housing types, innovative designs and complete pedestrian-friendly communities. Physical barriers, such as highways, tend to disrupt complete communities and livability because they disconnect areas from downtown and result in an auto-oriented environment of sprawl along highway corridors.**

Statewide Planning Goal 14 and Comprehensive Plan Policy 14-B are intended “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The currently undeveloped site sits between a memory care facility to the east, an apartment complex, dental office and church to the west and is directly across the street from St. Charles Hospital, Jefferson County Health Department and designated open space to the south.

Because the site is located within the Madras City Limits and UGB and the proposed zoning designation allow for urban-scale development and a transition from single family homes to the north and northeast to more urban uses on the east, west and south, this Goal is met.

(c) The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services and

transportation networks are planned to be provided concurrently with the development of the property;

**Applicant Response:** The site has all utilities available along the NE Oak Street frontage, including City of Madras sewer, City of Madras and Deschutes Valley Water district water, Pacific Power and Cascade Natural Gas. All utility companies have provided will serve letters and have adequate capacity for the proposed development.

The subject property is within the City of Madras and the Urban Growth Boundary. The City Police and Fire Departments provide services within the City limits and the proposed zone change does not change the service provided by these departments to the subject property. Through the future development process, the fire flow and fire hydrant locations will be reviewed and supplemented, if found necessary at that time.

Additionally, the submitted Traffic Impact Analysis and Transportation Planning Rule Analysis demonstrate that the proposal meets the requirements.

(d) Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map regarding the property that is the subject of the application; and

**Applicant Response:** The Plan Map Amendment and Zone Change are proposed to provide better use of an infill site that is located in close proximity to public facilities and adjacent to other multi-family developments and R3 Zoning (Morning Crest Estates Subdivision).

Since the time this site was designated R1 Zoning, St. Charles Madras has expanded their campus on the other side of Oak Street by 26,000 square feet and the Jefferson County Health Department was constructed next to it. As this campus continues to expand, it will benefit from the addition of housing units and amenities that are consistent with the surrounding development and provide residence options for prospective employees.

(e) Approval of the request is consistent with the provisions of the Transportation Planning Rule.

**Applicant Response:** A Traffic Impact Analysis and Transportation Planning Rule Analysis were completed by a licensed Professional Engineer. The findings of the TIA and TPR Analysis are in Section 18.25.180 of this narrative and the complete study is included with this application.

(3) Criteria for Quasi-Judicial Zone Changes. The applicant must submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial zone change must be based on meeting the following criteria:



(a) The amendment will bring the Zoning Map into conformance with the Comprehensive Plan map;

**Applicant Response:** The zone change is submitted concurrently with a Comprehensive Plan map amendment, so that, when approved together, the zone change will bring the zone map into conformance with the Comprehensive Plan through a single process.

(b) The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property; and

**Applicant Response:** The site has all utilities available along the NE Oak Street frontage, including City of Madras sewer, City of Madras and Deschutes Valley Water district water, Pacific Power and Cascade Natural Gas. All utility companies have provided will serve letters and have adequate capacity for the proposed development.

The subject property is within the City of Madras and the Urban Growth Boundary. The City Police and Fire Departments provide services within the City limits and the proposed zone change does not change the service provided by these departments to the subject property. Through the future development process, the fire flow and fire hydrant locations will be reviewed and supplemented, if found necessary at that time.

Additionally, the submitted Traffic Impact Analysis and Transportation Planning Rule Analysis demonstrate that the proposal meets the requirements.

(c) Approval of the request is consistent with the provisions of the Transportation Planning Rule. [Ord. 933 § 15.3, 2019.]

**Applicant Response:** A Traffic Impact Analysis and Transportation Planning Rule Analysis were completed by a licensed Professional Engineer. The findings of the TIA and TPR Analysis are in Section 18.25.180 of this narrative and the complete study is included with this application.

#### **SECTION 18.75.040 Record of amendments.**

The Community Development Department and the City Recorder shall maintain records of map and text amendments to the ordinance. [Ord. 933 § 15.4, 2019.]

#### **SECTION 18.75.050 Limitation on reapplication.**

No application of a property owner for a rezone shall be considered by the Planning Commission within a one-year period immediately following a previous denial of such request. [Ord. 933 § 15.5, 2019.]

**SECTION 18.75.060 Notification of decision.**

Within five working days after a final decision on an amendment to the Comprehensive Plan and map, Development Code, or Zoning Map, the Community Development Department shall provide the applicant and the Oregon Department of Land Conservation and Development a complete copy of the City Council decision, and shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS [197.615](#). [Ord. 933 § 15.6, 2019.]

**Chapter 18.60: LAND DIVISIONS, REPLATS, AND PROPERTY LINE ADJUSTMENTS**

**SECTION 18.60.010 Purpose.**

In accordance with the provisions of ORS Chapters [92](#), [197](#), and [227](#), this chapter sets forth the minimum standards governing the approval of subdivisions, partitions, replats, and property line adjustments as necessary to carry out the City of Madras Comprehensive Plan and to promote the public health, safety, and general welfare while allowing for cost saving efficiencies. The purpose of these provisions and regulations is to:

- (1) Encourage well planned subdivision and partition development to promote the creation of livable neighborhoods with all needed amenities and community facilities.
- (2) Encourage development in harmony with the natural environment and within resource carrying capacities.
- (3) Safeguard the interests of the public, the applicant, and the future lot owner.
- (4) Improve land records and boundary monumentation.
- (5) Ensure equitable processing of land division applications and accomplish, to the greatest extent possible, the goals and objectives of the Comprehensive Plan.
- (6) Provide for orderly and efficient urban development and coordinate development with public facilities and service plans and capabilities.
- (7) To regulate the orientation of streets, lots, and parcels to ensure access to solar energy by reasonably regulating interests in property within the City, as authorized under ORS [227.090](#) through [227.190](#) and ORS [105.880](#) through [105.895](#), to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan policies relating to solar energy. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.1, 2019.]

**Applicant Response:** This section is a Purpose Statement and it does not contain any measureable approval criteria or development standards.

**SECTION 18.60.020 Applicability.**

Units of land shall only be created or reconfigured in conformance with the standards of this chapter and ORS Chapter [92](#). No person may subdivide, partition, or reconfigure land within the City of Madras except in accordance with ORS Chapter [92](#) and the provisions of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.2, 2019.]

**SECTION 18.60.030 Delegation.**

The City Council, pursuant to ORS [92.044\(2\)](#), hereby delegates to the Planning Commission the power to take final action on a proposed subdivision and any major replat involving fifty (50) or more lots pursuant to the Type III procedures and to the Community Development Director the power to take final action on any subdivision, partition, major replat, minor replat, or property line adjustment involving fewer than fifty (50) lots pursuant to the Type II procedures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.3, 2019.]

**Applicant Response:** The proposed development is for four lots. This standard does not apply.

**SECTION 18.60.040 Subdivision Committee.**

(1) There is hereby established a Subdivision Committee which shall consist of:

- (a) Community Development Director;
- (b) Public Works Director;
- (c) County Surveyor; and
- (d) Fire Marshal;
- (e) Any other appropriate public agency representative invited by the Community Development Director.

(2) The Community Development Director shall serve as chairperson of the Subdivision Committee.

(3) The Subdivision Committee shall be charged with reviewing subdivision and major replat applications for conformance with all applicable regulations and to make recommendations to the Planning Commission. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.4, 2019.]

**SECTION 18.60.050 Pre-application meeting.**

Prior to submitting a tentative plan for a land division, each applicant or their representative is encouraged to meet with the Community Development Director or a designated staff member

to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.5, 2019.]

**SECTION 18.60.060 Application submission.**

Any person, or his authorized agent or representative, proposing a subdivision, partition, or replat shall file an application and the filing fee for the applicable approval, along with a tentative plan, improvement plans, and other supplementary materials as may be required by this chapter or requested by the Subdivision Committee. If any concurrent approvals are sought, the applications for the concurrent approvals will collectively be processed using the highest level procedures for any particular application (i.e., Type II decisions sought concurrently with Type III decisions will be processed as Type III decisions) and shall also include all required information and materials for the applicable concurrent approval. The applicant must either provide electronic copies or submit four paper copies of all application materials to the Community Development Director. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.6, 2019.]

**Applicant Response:** The subdivision application form is signed by the property owner and included with this submittal. All applicable fees will be paid with the submission of this application.

**SECTION 18.60.070 General approval process for land divisions.**

Land divisions generally follow a two-step approval process. First, a tentative plan is submitted for approval. After receiving tentative plan approval, and after satisfying any conditions of approval from the tentative plan approval, the applicant then files for final plat approval. After receiving final plat approval and satisfying any additional conditions of approval and any requirements of the County, the applicant can then record the plat to perfect the land division. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.7, 2019.]

**Applicant Response:** The applicant understands the steps required for land divisions.

**SECTION 18.60.080 Informational requirements for tentative plans.**

Unless waived by the Community Development Director, the following information shall be shown on a tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided:

- (1) General Information Required.
  - (a) The proposed name of the subdivision, if applicable.

(b) Names, addresses, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Secretary of State by the applicant.

(c) Date of preparation, north point, scale, and gross area of the subject property.

(d) Appropriate identification of the drawing as a tentative plan for a subdivision, partition, or replat.

(e) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

(f) Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract that binds the applicant in the event of tentative plan approval.

(2) Information Concerning Existing Conditions.

(a) Location, names, and widths of existing improved and unimproved streets and roads within and adjacent to the subject property.

(b) Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.

(c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, any natural features such as rock outcroppings, and natural hazards.

(d) Location and direction of watercourses, and the location of areas subject to flooding.

(e) Location, width, and use or purpose of any existing easement or right-of-way within and adjacent to the subject property.

(f) Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the subject property together with pipe sizes, grades, and locations.

(g) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five percent (5%) to fifteen percent (15%), 10 feet for slopes of fifteen percent (15%) to twenty percent (20%), and 20 feet for slopes greater than twenty percent (20%).

(h) Zoning classification of land within and adjacent to the subject property.

(i) Names and addresses of all adjoining property owners for a distance of 250 feet.

(3) Information Concerning Proposed Development.

(a) Location, names, width, typical improvements, cross-sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.

(b) Location, width, and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.

(c) Location of at least one temporary benchmark within the subject property's boundaries.

(d) Location, approximate area, and dimensions of each lot/parcel, and proposed lot/parcel and block numbers.

(e) Location, approximate area, and dimensions of any lot/parcel or area proposed for public use, the use proposed, and plans for improvements or development thereof.

(f) Proposed use, location, approximate area, and dimensions of any lot/parcel intended for nonresidential use.

(g) An outline of the area proposed for partial recording, if contemplated or proposed.

(h) Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.

(i) Description and location of any proposed community facility.

(j) Stormwater and other drainage facility plans.

(k) Proposed deed restrictions, including access restrictions or protective covenants if such are proposed to be utilized for the proposed development.

(l) Statement from each utility company proposed to serve the resulting lots/parcels stating that each company is able and willing to serve the proposed development as set forth in the tentative plan, and the conditions thereof.

(m) Proposed fire protection system for the proposed development and written approval thereof by the appropriate serving fire protection agency.

(n) If grading is proposed, a separate grading and drainage plan prepared by an engineer must be submitted that must show as-developed contour lines related to some established

benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five to fifteen percent (5% to 15%), 10 feet for slopes of fifteen to twenty percent (15% to 20%), and 20 feet for slopes greater than twenty percent (20%).

(o) An addressing plan for the development depicting proposed addresses and driveway locations for each proposed lot or parcel consistent with the requirements of Jefferson County Code Chapter 12.03.

**Applicant Response:** The tentative plans included with this application contain all general information, existing conditions and information concerning proposed development as required by this section.

(4) Scale. All tentative plans shall be drawn on a sheet at a scale not greater than one inch per 400 feet. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.8, 2019.]

**Applicant Response:** The tentative plans include sheets at a scales ranging from 1"=15' to 1"=40'. This standard has been met.

#### **SECTION 18.60.090 Block standards.**

To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

(1) New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Transportation System Plan and any applicable special area plan, refinement plan, master plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:

(2) Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets:

(a) Six hundred sixty foot block length and 2,000-foot block perimeter in all residential zones;

(b) Four hundred foot block length and 1,500-foot block perimeter in the C-2 Zone;

(c) Six hundred sixty foot block length and 2,640-foot block perimeter for all other commercial, industrial and mixed-use zones;

(d) An exception may be granted to the maximum block length and/or block perimeter by the decision maker if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the decision maker may require the land division or property reconfiguration to provide blocks divided by one or more access corridors. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.9, 2019.]

**Applicant Response:** The properties surrounding the project site are developed and preclude the formation of blocks. The proposed project includes a new private street that extends from NE Oak Street and ends in a parking lot with adequate fire turnaround easements at the north end of the property.

**SECTION 18.60.100 Lot standards.**

The size, width, and orientation of lots/parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the governing zoning district, subject to the following:

(1) Lot Sizes. Portions of a lot with slopes in excess of twenty percent (20%) will not be counted for purposes of meeting minimum lot sizes.

**Applicant Response:** All proposed lots exceed the minimum lot size of the proposed zone (R-3). See Sheet C-3.0 Tentative Subdivision Plan for details.

(2) Frontage. Each lot shall satisfy applicable frontage requirements established by MDC [18.20.040](#).

**Applicant Response:** All proposed lots meet or exceed the minimum frontage requirements. See Sheet C-3.0 Tentative Plat for details.

(3) All side lot lines shall be at right angles to street lines or radial to curved streets. The decision maker may grant an exception where topography, watercourses, existing streets, infrastructure, and other development preclude such lot lines.

**Applicant Response:** All side lot lines are at right angles street lines or radial to the curved streets, in accordance with this standard.

(4) Through Lots. Lots that span an entire block should be avoided except where they are essential to provide separation of residential development from major streets or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation.



The decision maker may require landscaping buffers or access restrictions as a condition of approval for any through lot.

**Applicant Response:** There are no through lots proposed. This criteria does not apply.

(5) Solar Access. The lines of lots and parcels must be oriented such that the long axis is in the east-west direction. The decision maker may grant a waiver, where topography, natural features, existing development or other barriers inhibit required orientation. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.10, 2019.]

**Applicant Response:** The four proposed lots have the long axis oriented in the east-west direction. This standard has been met.

### **SECTION 18.60.110 Zero-lot line subdivision.**

In addition to the general provisions for land divisions set forth in this chapter, any application for a zero-lot line subdivision shall meet the following requirements:

(1) The tentative plan shall indicate all lot divisions, including those along the common wall of dwelling units.

(2) Independent utility service shall be provided to each unit including, but not limited to, water, electricity, and natural gas, unless common utilities are approved by the affected utility agency and are adequately covered by easements.

(3) Prior to the granting of final approval for creation of a zero-lot line subdivision, the Community Development Director shall require the applicant to enter into a written agreement, in a form approved by the City Attorney, that establishes the rights, responsibilities and liabilities of the parties with respect to maintenance and use of any common areas of the subdivision such as, but not limited to, common walls, roofing, water pipes, and electrical wiring. Such agreement shall be in a form suitable for recording, and shall be binding upon the heirs, executors, administrators, and assigns of the parties.

(4) Each zero-lot line subdivision proposal shall receive approval by the Subdivision Committee prior to submission of the final plat. Site plan approval shall be granted only upon a finding that the design, materials, and colors proposed for each dwelling are harmonious and do not detract from the general appearance of the neighborhood. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.11, 2019.]

**Applicant Response:** A zero-lot line subdivision is not proposed with this project. This criteria does not apply.

**SECTION 18.60.120 Approval process for tentative plan for subdivision or major replat.**

- (1) The Subdivision Committee shall make its recommendation concerning the tentative plan for a subdivision or major replat to the applicant and Planning Commission prior to the public hearing before the Planning Commission.
- (2) The Planning Commission shall review the tentative plan and all reports and recommendations of appropriate officials and agencies.
- (3) The Planning Commission may approve, approve with conditions, or deny the tentative plan for the proposed development and shall set forth findings for such decision.
- (4) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or major replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or major replat and the terms of this chapter. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.12, 2019.]

**Applicant Response:** The applicant understands the approval process for a tentative plan, as described in this section.

**SECTION 18.60.130 Approval process for tentative plan for partition or minor replat.**

- (1) The Community Development Director shall process the application under a Type II process and shall review all reports and recommendations of appropriate officials and agencies.
- (2) The Community Development Director may approve, modify, or deny the tentative plan for the proposed development and shall set forth findings for such decision.
- (3) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed partition or minor replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed partition or minor replat and the terms of this chapter. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.13, 2019.]

**Applicant Response:** The applicant understands that tentative plat approval is binding but does not constitute final acceptance for recording.

**SECTION 18.60.140 Approval criteria for a tentative plan.**

The Planning Commission shall not approve a tentative plan for a proposed subdivision or major replat, and the Community Development Director shall not approve a tentative plan for a proposed partition or minor replat, unless the applicable review body finds that the proposal satisfies the requirements of the Development Code, the design and construction standards and the following:

(1) For development other than needed housing, the proposed development contributes to orderly development and land use patterns in the area and provides for the preservation of natural features and resources of the area.

**Applicant Response:** The proposed application includes a design that is orderly and consistent with surrounding land use patterns. The site has also been designed with preservation of the existing slopes taken into account.

(2) All required public facilities have adequate capacity, as determined by the City, to serve the proposed land division including, without limitation, the transportation, sewer, stormwater, and water systems.

**Applicant Response:** The application materials include will serve letters from franchise utility companies (Pacific Power, Cascade Natural Gas and Bend Broadband) and the City indicated in the pre-application meeting that there is adequate sewer and water capacity to support the proposed development.

(3) The tentative plan for the proposed development meets the applicable requirements of ORS [92.090](#).

**Applicant Response:** The tentative plan meets the applicable requirements of ORS 92.090.

(4) The tentative plan meets the applicable provisions of this chapter.

**Applicant Response:** The tentative plan meets the applicable provisions of this chapter, as demonstrated on Sheet C-3.0 Tentative Plat.

(5) The tentative plan satisfies the Public Improvement Standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.14, 2019.]

**Applicant Response:** The tentative plan meets the applicable provisions of this chapter, as demonstrated on Sheet C-4.0 Site and Utility Plan.

**SECTION 18.60.150 Submission of final plat.**

(1) Filing Time Period Requirements. The applicant shall prepare and submit to the Community Development Department a final plat that is in conformance with the approved tentative plan. Within three years after the approval date for the tentative plan, the applicant shall submit the final plat, filing fee, and any supplementary information required by this Development Code and the decision maker. If the applicant fails to proceed with the submission of the final plat before the expiration of the three-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.

**Applicant Response:** The applicant understands the time periods associated with submitting the final plat for review and approval.

(2) Extensions.

(a) If the applicant is unable to comply with the filing time requirements of the Development Code, the applicant may submit a written letter to the Community Development Director requesting an extension of the final plat deadline. The letter shall be filed no earlier than sixty (60) days and no later than ten (10) days prior to the date the three-year period expires. It shall also be accompanied by the appropriate fee.

(b) If there is good cause, the Community Development Director may grant an extension up to six months from the date of expiration. Good cause shall require a showing by the applicant that the delay is unavoidable and was not the result of the applicant's own negligence. The applicant must also show they have made significant progress on each condition of the tentative plan.

(c) Any extension granted by the Community Development Director may be conditioned by a requirement that the applicant provide appropriate guarantees that the requirements of the Development Code will be met.

(d) The applicant may appeal a decision of the Community Development Director to the Planning Commission pursuant to MDC [18.80.240](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.15, 2019.]

**Applicant Response:** The applicant understands that extensions may be granted, if needed, pursuant to the criteria listed above.

#### **SECTION 18.60.160 Submission of final plats for phased development.**

(1) If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within one year of the approval date for the tentative plan.

(2) The final plats for any subsequent phase shall be filed within three years of the approved date for the tentative plan.

(3) The applicant may request an extension for any final plat under this section in the manner provided for in MDC [18.80.280](#).

(4) If the applicant fails to file a final plat within the specified time period, the tentative plan approval for those phases shall become null and void. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.16, 2019.]

**Applicant Response:** The proposed subdivision is not phased. This criteria does not apply.

**SECTION 18.60.170 Form of final plat.**

(1) The final plat shall be submitted in the form prescribed by state statute and this Development Code.

(2) All plats and other writings or dedications made a part of such plats offered for recording, shall be made in black India ink, upon material that is 18 inches by 24 inches, suitable for binding and copying, having such characteristics of strength and permanency as may be required by the City. The plat shall be of such a scale, and the indication of the approvals thereof and of the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but a fact sheet and an index page shall be included for plats of two or more sheets. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.17, 2019.]

**SECTION 18.60.180 Information on final plat.**

(1) General Requirements. In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the final plat:

- (a) The name of the subdivision, partition, or replat.
- (b) The name of the owner, applicant, and engineer or surveyor.
- (c) The date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.
- (d) A legal description of the tract boundaries.
- (e) Reference points of existing surveys, identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - (i) Stakes, monuments, or other evidences found on the ground and used to determine the boundaries of the development.

(ii) Adjoining corners of adjoining developments.

(iii) Other monuments found or established in making the survey or required to be installed by provisions of this Development Code.

(f) The exact location and width of streets and easements intercepting the boundary of the tract.

(g) Tract, block, and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearing or deflecting angles, radii, arcs, points of curvature, and tangent bearings. Normal high-water lines for any creek, bay, or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(2) Streets. The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

(3) Easements. Easements shall be noted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not on record, a statement of the easement shall be given. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the development shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(4) Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively in each block.

(5) Block Numbers. For subdivisions and major replats, block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the development. The numbers shall be placed so as not to obliterate any figures. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(6) Public Lands. Public lands, including strips and easements, shall be clearly marked to distinguish them from lots intended for sale.

(7) Access Restrictions. Limitations on rights of access to and from streets, lots/parcels, and other parcels of land shall be clearly indicated.

(8) Area. The area of each lot/parcel, if larger than one acre, to the nearest hundredth (1/100 or 0.01) of an acre; and the area of each lot/parcel less than one acre, to the nearest square foot.

(9) Certificates and Signatures. The following certificates and signatures are required and shall be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the final plat.

(b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants, and servants.

(c) A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

(d) A certificate for execution by the County Surveyor. Any plat prepared by the County Surveyor in his private capacity shall be approved by the county surveyor of another county in accordance with ORS [92.100\(2\)](#) and [\(3\)](#).

(e) A certificate for execution by the County Assessor.

(f) A certificate for execution by the County Tax Collector.

(g) A certificate for execution by the irrigation district, where applicable. All plans, plats, or replats of subdivisions or partitions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be indicated thereon by the board before City approval of such plan, plat, or replat of any subdivision or partition. Except that if the applicant is unable to obtain action or approval of any district or company within forty-five (45) days, the applicant shall notify the manager or administrator in writing and thereafter the City shall serve notice on that district or company that any objections to the plan, plat, or replat must be filed in writing with the City within twenty (20) days. Failure of the district or company to respond shall be considered an approval of such plan, plat, or replat.

(h) The signature of the Public Works Director.

(i) The signature of the Community Development Director.

(j) A signature of approval by the City Council.

(k) Other certificates required by state regulations. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.18, 2019.]

**Applicant Response:** The final plat will contain all required information, certifications and signatures listed in this section.

**SECTION 18.60.190 Requirements of survey and monumentation.**

Any final plat submitted shall meet the survey and monumentation requirements of ORS Chapter [92](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.19, 2019.]

**SECTION 18.60.200 Supplemental information with final plat.**

The following data, if applicable, shall accompany the final plat:

(1) Title Report. A preliminary title report or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.

(2) Survey Data Sheets. Sheets and drawings shall contain the following information:

(a) Traverse data including the coordinates of the boundary of the development and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

(b) The computation of distances, angles, and courses shown on the plat.

(c) Ties to existing monuments, proposed monuments, adjacent developments, street corners, and state highway stationing.

(3) Deed Restrictions. A copy of any deed restrictions applicable to the development.

(4) Homeowner's Association. If applicable, a copy of any homeowner's association agreement proposed or required for the development.

(5) Dedications. A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.

(6) Taxes. A list of all taxes and assessments on the tract which have become a lien on the land subdivided.

(7) Improvements. If grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:

(a) An improvement plan in accordance with MDC [18.20.100\(3\)](#).



- (b) Plans and profiles of sanitary sewers, location of manholes, and drainage system.
- (c) Plans and profiles of the water distribution system showing pipe sizes and location of valves and fire hydrants.
- (d) Specifications for the construction of all utilities.
- (e) Grading plans and specifications as required for areas other than streets and ways.
- (f) Planting plans and specifications for street trees and other plantings in public areas.
- (g) Plans for improvements, design factors, or other provisions for fire protection or fire hazard reduction. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.20, 2019.]

**SECTION 18.60.210 Technical review of final plat.**

- (1) Compliance Check. Upon receipt by the Community Development Department, the final plat and other data shall be reviewed by the Subdivision Committee or Community Development Director, as applicable, to determine that the development, as shown, is substantially the same as it appeared on the approved tentative plan, and for compliance with provisions of this Development Code and other applicable laws.
- (2) Field Check. The Public Works Director, the Community Development Director, and the County Surveyor, may make such checks in the field as are desirable to verify that the plat is sufficiently correct. The applicant shall grant permission to the Public Works Director, Community Development Director, or County Surveyor to enter the property for this purpose. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.21, 2019.]

**Applicant Response:** The applicant understands that there may be field checks prior to approval and recording of the final plat and will grant access for necessary parties to do such inspections.

**SECTION 18.60.220 Conditions of final plat approval.**

- (1) The Subdivision Committee or Community Development Director, as applicable, shall determine whether the final plat conforms with the approved tentative plan and these regulations. If the applicable review body does not approve the final plat, it shall advise the applicant of the changes or additions that must be made and shall afford them an opportunity to make corrections. If the applicable review body determines that the plat conforms to all requirements, it shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval of the final plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat, nor does such approval bind any other jurisdiction with review authority over the plat.

(2) No final plat shall be approved unless:

(a) Streets and roads for public use are to be dedicated without any reservation or restriction.

(b) Streets and roads held for private use as indicated on the tentative plan for such development have been approved by the City Public Works Director.

(c) The plat or map contains provisions for dedication to the public of all public improvements, including, but not limited to, streets, roads, parks, and sewage disposal and water supply systems, if made a condition of the approval of the tentative plan.

(d) Explanations of all public improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat or map.

(3) No plat shall be approved unless the developer has either constructed, and had accepted by the City Public Works Director, the required public improvements, or the developer has executed an improvement agreement acceptable to the City. If the developer chooses to construct the improvements, the developer shall also file with the City a warranty bond executed by a surety company to cover the one-year warranty period following acceptance by the City. Said bond shall be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.22, 2019.]

#### **SECTION 18.60.230 Final signatures.**

After the final plat has been checked and approved as provided in this chapter, and all signatures have been obtained, except for those of the Community Development Director and any signatures required from County officials, the Community Development Director shall certify the final plat and submit it to the County for final signatures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.23, 2019.]

**Applicant Response:** The applicant understands the process for gathering signatures on the final plat, prior to recording.

#### **SECTION 18.60.240 Recording of final plat.**

(1) No plat shall have any force or effect until the same has been duly executed and recorded. No title to any property described in any offer of dedication shall pass until the final plat has been recorded.

(2) No plat shall be recorded unless all ad valorem taxes and all special assessment fees or other charges required by law to be placed upon the tax roll, which have become a lien upon the development or which will become a lien during the calendar year, have been paid.

(3) The applicant shall provide exact copies of the recorded plat to the Community Development Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.24, 2019.]

**SECTION 18.60.250 Errors in the final plat.**

If an error in the final plat is discovered after the plat has been filed with the County Clerk, the error shall be corrected by filing a correction plat, which shall be submitted in the same manner as a final plat. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.25, 2019.]

**Applicant Response:** The applicant understands the process for correcting errors in the final plat.

**SECTION 18.60.260 Property line adjustments.**

(1) General. A property line adjustment is the movement or elimination of a common boundary line between two units of land.

(a) No more than one common boundary line can be relocated at one time. Additional property line adjustments each require a separate application.

(b) Deeds describing the new boundary lines for the affected units of land shall be recorded with the County Clerk's office before another property line adjustment application involving one of the affected units of land can be submitted.

(c) Property line adjustments are a land use decision and shall follow the noticing requirements of Chapter [18.80](#) MDC.

(2) Review Criteria. The property line adjustment may be approved only if the reviewing authority shall find that it satisfies the following criteria:

(a) The proposed property line adjustment is in conformance with applicable provisions of ORS Chapter [92](#).

(b) The proposed property line adjustment will not conflict with legally established easements or access within or adjacent to the proposed property line adjustment.

(c) The resulting lots comply with applicable regulations of the zoning district in which they are located. A property line adjustment for a nonconforming lot may be approved; provided, that the property line adjustment does not exacerbate the nonconformity.

(d) A property line adjustment shall not cause existing structures to straddle the new line or otherwise violate applicable setbacks.

(e) For lot consolidations, the applicant agrees to remove excess utility connections such that the consolidated lot will only have a single service for water and sewer and will otherwise comply with service requirements from other utility providers.

(3) The property line adjustment application shall meet the following requirements:

(a) Drawn to scale (example: one inch to 100 feet);

(b) Show the existing boundary line as a solid line and the proposed movement of the boundary line as a dashed line;

(c) Show sizes of the units of land involved (current and after adjustment);

(d) Show location of existing structures, access, and utilities; and

(e) Show the township, range, section, and tax lot numbers of the two tax lots involved.

(4) The applicant shall contact the County Surveyor for surveying requirements once the property line adjustment has been approved by the Community Development Director.

(5) Appeals of a property line adjustment decision shall follow MDC [18.80.240](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.26, 2019.]

**Applicant Response:** No property line adjustments are proposed. This criteria does not apply.

#### **SECTION 18.60.270 Flag lots.**

(1) Eligibility for Flag Lots. Flag lots may only be created if the Public Works Director determines that it is impractical to extend a street (including, without limitation, a cul-de-sac) to the flag portion of a proposed flag lot development.

(2) Development Standards. In addition to meeting all other applicable criteria, flag lots must comply with the following standards:

(a) The minimum lot frontage and minimum width for the pole of a flag lot is 15 feet. The minimum frontage and minimum width for the front lot is the otherwise applicable minimum less 10 feet. Any pole exceeding 150 feet will have to meet all applicable fire code requirements.

(b) When a shared driveway serves two or more properties, the shared driveway width must be a minimum of 20 feet. A shared driveway must be employed if the parent parcel

has less than 100 feet of street frontage (or less than 80 feet of frontage if on a cul-de-sac) or for any proposed flag lot on a collector or arterial. The maximum number of properties utilizing a shared driveway is four. Any shared driveway must have a reciprocal access and maintenance easement acceptable to City recorded for all properties utilizing the shared driveway prior to or current with platting.

(c) Except for the minimum requirements for the pole stated above, minimum lot widths and depths, if any, are measured on the flag portion of a flag lot.

(d) The flag portion of a flag lot must meet the applicable minimum lot sizes without considering the area of the pole portion of the flag lot.

(e) The front setback does not apply to the flag portion of the flag lot. The lot lines in the flag portion of a flag lot are side lot lines except for the rear lot line, which is a rear lot line.

(f) Except as otherwise provided in this subsection, the front lot must meet all applicable requirements for creation of a lot in the applicable zone.

(g) Flag lots and front lots are not eligible for any variances from dimensional requirements. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 945 § 2 (Exh. C § 12.27), 2020.]

**Applicant Response:** No flag lots are proposed. This criteria does not apply.

## **Chapter 18.80: ADMINISTRATIVE PROVISIONS**

### **SECTION 18.80.010 Pre-application conference.**

Unless the application is filed by the City, a pre-application conference is required for all Type III and Type IV applicants. Pre-application conferences are also highly recommended for complex applications and for applicants who are unfamiliar with the land use process. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Development Code and to identify issues likely to arise in processing an application. [Ord. 933 § 16.1, 2019.]

**Applicant Response:** A pre-application meeting was held with City staff on July 13<sup>th</sup>, 2023.

### **SECTION 18.80.020 Applications.**

No land use approval or planning review shall be processed unless the applicant submits a complete application.

(1) All applications shall:

- (a) Be submitted by the property owner or a person who has written authorization from the property owner to make the application;
- (b) Be completed on the applicable form prescribed by the City;
- (c) Include supporting information required by this Development Code and any other information necessary to, in the judgment of the Community Development Director, demonstrate compliance with applicable standards;
- (d) Be accompanied by the appropriate application fee, and any applicable public hearing fee, established by the City from time to time; and
- (e) Provide proof of ownership in the form of a deed or other recorded document; except this requirement shall not apply to:
  - (i) Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or
  - (ii) Applications for development proposals sited on lands owned by the state or the federal government.

(2) For purposes of this Development Code, a complete application refers to an application submitted in conformance with this section and any other requirements of the particular application set forth in this Development Code. An application is not complete unless, in the judgment of the Community Development Director, the application contains sufficient information to address all applicable standards. Acceptance of an application as complete shall not preclude a determination at a later date that additional applicable standards need to be addressed or a later determination that additional information is needed to adequately address applicable standards. [Ord. 933 § 16.2, 2019.]

**Applicant Response:** The applicant understands that the application must be complete and include all items listed on the required application forms.

**SECTION 18.80.030 Modification of application.**

(1) Subject to this section, an applicant may modify an application at any time during the approval process up until the issuance of an administrative decision or the close of the record for an application requiring a public hearing.

(2) The decision maker shall not consider any evidence submitted by or on behalf of an applicant that would constitute a modification of application unless the applicant submits a complete application for a modification and agrees in writing to restart the applicable review period as of the date the modification is submitted.

(3) A modification of application that constitutes a new proposal shall not be permitted as a modification, but shall instead require the filing of a new application.

(4) For Type III decisions, the decision maker may require that the modified application be renoticed and additional hearings be held.

(5) Up until the issuance of an administrative decision or the day a public hearing is opened for receipt of oral testimony, the Community Development Director shall have sole authority to determine whether an applicant's submittal requires an application for modification of application or requires submittal of a new application. After such time, the higher decision maker shall make such determinations. The decision maker's determination shall be appealable only to the Oregon Land Use Board of Appeals (LUBA) and shall be appealable only after a final decision is entered by the City on the underlying application. [Ord. 933 § 16.3, 2019.]

**Applicant Response:** No modification of application is proposed. This criteria does not apply.

#### **SECTION 18.80.040 Withdrawal of application.**

An applicant may withdraw an application in writing at any time prior to the time a decision becomes final. If the property owner is not the applicant, no consent to withdraw the application is needed from the property owner. If withdrawn, the City may refund the application fee in an amount determined by the Community Development Director based on the amount of time spent by the City processing the application prior to the withdrawal. [Ord. 933 § 16.4, 2019.]

#### **SECTION 18.80.050 Burden of proof.**

The burden of proof to demonstrate compliance with the applicable standards is upon the applicant for all land use approvals and planning reviews. [Ord. 933 § 16.5, 2019.]

#### **SECTION 18.80.060 Applicable standards.**

The standards and criteria applicable to an application shall be the standards and criteria applicable at the time the application was first submitted. [Ord. 933 § 16.6, 2019.]

**Applicant Response:** This is a purpose statement and does not contain any actionable criteria.

#### **SECTION 18.80.070 Final action.**

The City shall take final action on all applications in accordance with the time limitations set forth in ORS [227.178](#) as the same may be amended from time to time. [Ord. 933 § 16.7, 2019.]

**Applicant Response:** The applicant understands the time limitations that the City must follow in taking final action on the land use application.

**SECTION 18.80.080 Time computation.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday, or any day on which the City is not open for business pursuant to a City ordinance, in which case it shall also be excluded. [Ord. 933 § 16.8, 2019.]

**SECTION 18.80.090 Classification of decisions.**

All land use approvals and planning reviews shall be processed based on the decision classification hierarchy set forth below. Except where the classification is expressly prescribed in this Development Code, the Community Development Director shall have discretion as to how a particular application, request, or review shall be classified and which review procedures will be used, which shall not be an appealable decision.

(...)

(2) Type II Decisions.

(a) Type II decisions are made by the Community Development Director following public notice and an opportunity for parties to comment, but without a public hearing.

(b) Applications for a partition, site plan approval, minor variance, and such other applications as prescribed by this Development Code shall be processed as Type II decisions.

(c) The Community Development Director has discretion to elevate an application for a Type II decision to a Type III decision.

(d) If appealed, Type II decisions are reviewed by the Planning Commission and the Planning Commission's decision may be appealed to the City Council subject to the City Council's discretion to hear the appeal.

(3) Type III Decisions.

(a) Type III decisions are made by the Planning Commission after a public hearing following quasi-judicial hearings procedures set forth in this chapter.

(b) Applications for a subdivision, planned unit development, conditional use, major variance, quasi-judicial zone change, master development plan, and such other applications as prescribed by this Development Code shall be processed as Type III decisions.



(c) If appealed, Type III decisions may be appealed to the City Council subject to the City Council's discretion to hear the appeal.

(...)

(5) Additional or alternative procedures for specific applications may be set forth in this Development Code. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 16.9, 2019.]

**Applicant Response:** The application includes one Type III Application (Zone Change) and two Type II Applications (Subdivision and Site Plan Application). The applicant understands the processes for both types of applications.

**SECTION 18.80.100 Hearings officers.**

The City Council may appoint a special Hearings Officer to review an application or appeal in place of the Planning Commission or City Council. [Ord. 933 § 16.10, 2019.]

**SECTION 18.80.110 Notice of application.**

(...)

(2) Notice of an application for a Type II decision shall be mailed within ten (10) days after City's acceptance of a complete application. Written notice shall also be mailed to the following persons:

(a) The applicant.

(b) Unless specified elsewhere in this Development Code, to all owners of property within a distance of 250 feet of the subject property at the owner's address of record with the Jefferson County Tax Assessor.

(c) Affected public agencies, including the following:

(i) Division of State Lands. The City shall notify the Oregon Division of State Lands (DSL) of any application that involves lands that are wholly or partially within areas that are identified as wetlands. Notice shall be in writing using the DSL Wetland Land Use Notification form and shall be sent within five working days of acceptance of a complete application (ORS [227.350](#)).

(ii) Department of Fish and Wildlife. The City shall notify the Oregon Department of Fish and Wildlife (ODFW) in writing of any application for development activities within the riparian corridor. A mitigation recommendation shall be obtained from ODFW. Approval of the proposed development shall include a condition requiring compliance with the ODFW mitigation recommendations (OAR [635-415](#)).

(iii) Other Agencies. The City shall notify other public agencies, as appropriate, that have statutory or administrative rule authority to review or issue state permits associated with local development applications.

(3) Notice of Type III decisions shall be the same as that required of Type II decisions except that the Community Development Director shall set the date of the initial public hearing and a notice of the public hearing shall be published in a newspaper of general circulation within the City no less than twenty (20) days and no more than forty (40) days prior to the public hearing.

(...)

(5) The failure of a party to receive actual notice shall not invalidate any proceeding or any decision issued pursuant to this Development Code.

(6) Notwithstanding the provisions of this section, where other provisions of this Development Code specify procedures with greater opportunity for public notice and comment, those procedures shall apply. [Ord. 933 § 16.11, 2019.]

**Applicant Response:** The applicant understands the noticing process for Type II and Type III applications as described in this section.

#### **SECTION 18.80.120 Contents of public notice.**

(1) All required public notices shall provide a brief description of the applicant's request, a list of applicable standards, the location of the property, the date, time, and place of the public hearing (if applicable), and instructions on obtaining copies of the application and providing written comment.

(2) All notices for public hearings shall also contain a statement that recipients may request a copy of the staff report. [Ord. 933 § 16.12, 2019.]

**Applicant Response:** The applicant understands the contents of the public notice to be issued upon submittal of the application.

#### **SECTION 18.80.130 Public hearing procedure.**

(1) A public hearing shall be conducted in the following order:

(a) The decision maker shall explain the purpose of the public hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.

- (b) A statement by the decision maker regarding pre-hearing contacts, bias, prejudice, or personal interest shall be made.
- (c) Any evidence received outside of the hearing shall be stated in the record.
- (d) Challenges to the decision maker's qualifications to hear the matter must be stated.
- (e) Order of presentation:
  - (i) Staff report.
  - (ii) Proponent's presentation.
  - (iii) Opponent's presentation.
  - (iv) Interested parties.
  - (v) Proponent's rebuttal.
  - (vi) Staff comments.
  - (vii) Questions from or to the decision maker may be entertained at any time at the decision maker's discretion. [Ord. 933 § 16.13, 2019.]

**Applicant Response:** The applicant understands the public hearing processes associated with the proposed applications.

**SECTION 18.80.140 Filing of staff report for public hearing.**

- (1) A staff report shall be completed at least seven days prior to the public hearing.
- (2) A copy of the staff report shall be filed with the decision maker, mailed to the applicant, and made available to such other persons who request a copy.
- (3) Oral or written modifications and additions to the staff report shall be allowed prior to or at the time of the public hearing. [Ord. 933 § 16.14, 2019.]

**Applicant Response:** The applicant understands the steps associated with issuance of the staff report.

**SECTION 18.80.150 Prohibition on pre-hearing (ex parte) contacts.**

The decision maker or any member thereof shall not communicate directly or indirectly with any party or representative of a party in connection with any quasi-judicial application where a

public hearing is scheduled. Any pre-hearing ex parte contact shall be disclosed on the record at the public hearing. [Ord. 933 § 16.15, 2019.]

**SECTION 18.80.160 Challenge for bias, prejudice, or personal interest.**

(1) Prior to or at the commencement of a quasi-judicial public hearing, any party may challenge the qualifications of the decision maker, or a member thereof, for bias, prejudice, or personal interest. The challenge shall be documented with specific reasons supported by substantial evidence.

(2) Should qualifications be challenged, the decision maker, or the member thereof, shall disqualify themselves, withdraw, or make a statement on the record of their capacity to hear the request and make a decision without bias, prejudice, or personal interest. [Ord. 933 § 16.16, 2019.]

**SECTION 18.80.170 Objections to procedural issues.**

Any objections to any procedural issue not raised prior to or during the public hearing are waived. [Ord. 933 § 16.17, 2019.]

**SECTION 18.80.180 Limitation on oral presentations.**

The decision maker may set reasonable time limits on oral presentations at public hearings. [Ord. 933 § 16.18, 2019.]

**SECTION 18.80.190 Record.**

(1) All evidence timely submitted and placed before the decision maker shall be entered into the record.

(2) For public hearings, an audio recording of the hearing shall be made.

(3) All exhibits presented shall be marked to show the application file number and the identity of the party offering the evidence. [Ord. 933 § 16.19, 2019.]

**SECTION 18.80.200 Notice of decision.**

The final decision of the decision maker shall be in writing, signed, and mailed to all parties; provided, however, only the point of contact provided to the City will be delivered notice for any group, entity, or similar collection of individuals constituting a party. [Ord. 933 § 16.20, 2019.]

**Applicant Response:** The applicant understands the steps and process associated with a Public Hearing, presentations, public record and the notice of decision.

**SECTION 18.80.210 Reapplication limited.**

If a specific application is denied, no reapplication for substantially the same proposal may be made for six months or the date specified elsewhere in this Development Code, whichever is greater, following the date of the final decision. [Ord. 933 § 16.21, 2019.]

**Applicant Response:** The applicant understands the limitations for reapplying for an application.

**SECTION 18.80.220 Call-up by City Council or Planning Commission.**

- (1) Any decision may be called up for review at the discretion of a higher decision maker.
- (2) The review shall be initiated, if at all, by the higher decision maker filing a written request with the Community Development Director within fifteen (15) days from the date of the final written decision.
- (3) Such review shall be conducted in the same manner as an appeal. [Ord. 933 § 16.22, 2019.]

**Applicant Response:** The applicant understands the process for a land use decision to be called up by City Council or the Planning Commission.

**SECTION 18.80.230 Appeals.**

- (1) A decision shall be final unless a complete notice of appeal, compliant with MDC [18.80.240](#), is received by the Community Development Department within fifteen (15) days of the mailing date of the final written decision and provided the challenged decision is subject to appeal.
- (2) Who may file an appeal:
  - (a) A party to the application.
  - (b) A person to whom notice was to be mailed in accordance with MDC [18.80.110](#), and to whom no notice was mailed.
  - (c) The Planning Commission; provided, however, any appeal by the Planning Commission shall go directly to the City Council. No fee shall be required for an appeal filed by the Planning Commission.
- (3) If more than one party files a notice of appeal on the same decision, the appeals shall be consolidated, noticed, and heard as one proceeding.

(4) An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision on the appeal. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received. An appeal may be withdrawn under this section regardless of whether other nonfiling parties have relied upon the appeal filed by the appellant.

(5) Any failure to conform to the requirements of MDC [18.80.240](#) and MDC [18.80.250](#) shall constitute a jurisdictional defect requiring dismissal of the appeal as untimely and/or unperfected.

(6) Determination of jurisdictional defects in an appeal shall be made by the body to whom an appeal has been made. [Ord. 933 § 16.23, 2019.]

**Applicant Response:** The applicant understands the requirements and process for an appeal.

**SECTION 18.80.240 Notice of appeal.**

Every notice of appeal shall contain:

- (1) Proper identification of the decision subject to appeal;
- (2) The specific grounds relied upon for appeal;
- (3) If a hearing was held below, a transcription of the proceedings;
  - (a) Failure to submit a transcript shall render a notice of appeal incomplete and thus untimely. An appellant may cure an incomplete notice of appeal by submitting the transcript within ten (10) days of the date that the notice of appeal was filed; and
- (4) All parties shall be mailed notice of the hearing on appeal within ten (10) days of scheduling the hearing. [Ord. 933 § 16.24, 2019.]

**Applicant Response:** The applicant understands the process for the notice of an appeal, should that become relevant.

**SECTION 18.80.250 Scope of review on appeal.**

- (1) The review of a Type II decision on appeal before the Planning Commission shall be de novo.
- (2) Except where review by the City Council is expressly required, the City Council has discretion whether to hear any appeal for which it has jurisdiction including, without limitation, review of a decision on appeal issued by the Planning Commission. A decision by the City Council to not grant discretionary review of the appeal is the final determination of the City and

will be considered to be an adoption by the Council of the decision being appealed, including any interpretations of this Development Code and the City Comprehensive Plan included in the decision. The final decision may be appealed to the Oregon Land Use Board of Appeals as provided by law.

(3) If the City Council elects to hear to a discretionary appeal, the City Council has further discretion whether to hear the appeal de novo or on the record. Moreover, the City Council may elect to limit review of the appeal to specific issues set forth in the notice of appeal.

(4) The City Council's decision whether to grant discretionary review of an appeal, and the scope of the discretionary review, will be made without testimony or argument from persons interested in the appeal. [Ord. 933 § 16.25, 2019.]

**Applicant Response:** The applicant understands the scope of review for an appeal, should that become applicable.

#### **SECTION 18.80.260 Rehearing.**

Rehearings shall not be allowed. [Ord. 933 § 16.26, 2019.]

**Applicant Response:** The applicant understands the requirements and process for a rehearing, should one be necessary in the future.

#### **SECTION 18.80.270 Duration of approval.**

Except as provided elsewhere in this Development Code, all land use approvals and planning reviews shall be valid for a period of one year from the date of approval, unless a shorter or longer duration is granted or required as part of the approval. The date of the approval is the date that the land use approval becomes final for all purposes (no longer subject to appeal or further appeals) or, for planning reviews, the date the planning review approval is issued. [Ord. 933 § 16.27, 2019.]

**Applicant Response:** The applicant understands the durations of approval for the subdivision and site plan approvals being requested with this application.

#### **SECTION 18.80.280 Extension.**

(1) Except as provided elsewhere in this Development Code, any land use approval or planning review may be extended, prior to expiration, by the Community Development Director for periods of six months, but in no event by more than two years. Such extensions shall be administrative, without notice, and in writing.

(2) No land use approval may be extended unless significant progress occurred during the duration of the approval or prior extension, or circumstances occurred which were out of the

applicant's control. If the land use approval is subject to conditions of approval, significant progress means that some action must have commenced or occurred towards satisfaction of the conditions of approval. [Ord. 933 § 16.28, 2019.]

**Applicant Response:** The applicant understands the requirements and process for requesting an extension of land use or planning approval, should one be necessary in the future.

#### **SECTION 18.80.290 Modification of approval.**

(1) Purpose. To provide the decision maker with an opportunity to correct errors and to provide the applicant a mechanism to request modification of conditions of approval or other aspects of an approved application.

(2) Modification by Decision Maker. Unless an appeal of the decision has been sooner filed, the decision maker may, at its sole discretion, modify the decision within fifteen (15) days of the mailing date of the decision. If such modifications are made, a new notice of decision shall be issued and the fifteen (15) day appeal period shall be restarted based on the mailing date of the modified decision.

(3) Modification by Request. A request to modify an approval may be filed by the applicant or any successor in interest to the decision with the Community Development Department any time after the decision becomes final.

(4) Modification of Approval by Request – Review Procedures.

(a) A modification by request that does not have significant additional impacts on surrounding properties must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.

(b) A modification by request that has significant additional impacts on surrounding properties must be reviewed under all applicable standards and may, at the discretion of the Community Development Director, require the filing of a new application.

(c) A modification by request that, in the discretion of the decision maker, constitutes a new proposal must be filed as a new application.

(d) The request to modify an approval shall be reviewed by the decision maker that made the initial decision. [Ord. 933 § 16.29, 2019.]

**Applicant Response:** The applicant understands the requirements and process for a modification of approval, should one be necessary in the future.



**SECTION 18.80.300 Declaratory ruling.**

(1) Subject to the other provisions of this section, there shall be available for the City's Comprehensive Plan and Development Code a process for:

- (a) Interpretation of provisions of the Comprehensive Plan, Development Code, or other implementation of regulations in which there is doubt or a dispute as to their meaning or application;
- (b) Interpretation of a provision or limitation of a land use approval or planning review issued by the City in which there is doubt or a dispute as to its meaning or application;
- (c) Determination of whether an approval has been initiated or considering the revocation of a previously issued approval;
- (d) Determination of the validity and scope of a nonconforming use; and
- (e) Validation of a lot of record.

Such a determination or interpretation shall be known as a "declaratory ruling" and shall be processed in accordance with this section. In all cases, as part of making a determination or interpretation the decision maker shall have the authority to declare the rights and obligations of persons affected by the ruling.

(2) A declaratory ruling shall be available only in instances involving a fact-specific controversy and to resolve and determine the particular rights and obligations of particular parties to the controversy. Declaratory proceedings shall not be used to grant an advisory opinion. Declaratory proceedings shall not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.

(3) Declaratory rulings shall not be used as a substitute for an appeal of a decision or for a modification of an approval. In the case of a ruling on a City approval, a declaratory ruling shall not be available until sixty (60) days after a decision is final.

(4) The Community Development Director may refuse to accept, and the decision maker may deny, an application for a declaratory ruling if:

- (a) The Community Development Director or decision maker determines that the question presented can be decided in conjunction with approving or denying a pending application or should be made as part of a decision on an application not yet filed; or

- (b) The Community Development Director or decision maker determines that there is an enforcement case pending in circuit court in which the same issue necessarily will be decided as to the applicant and the applicant failed to file the request for a declaratory ruling within two weeks after being cited or served with a complaint.
- (5) The Community Development Director's or decision maker's determination to not accept or to deny an application for a declaratory ruling shall be the City's final decision.
- (6) Only the following persons may initiate a declaratory ruling under this section:
- (a) The owner of a property requesting a declaratory ruling relating to the use of the owner's property;
  - (b) In cases where the request is to interpret a previously issued approval, the holder of the approval; or
  - (c) The Community Development Director.
- (7) A request for a declaratory ruling shall be initiated by filing a complete application with the Community Development Department. Each application for a declaratory ruling shall include the precise question on which a ruling is sought. The application shall set forth whatever facts are relevant and necessary for making the determination and such other information as may be required by the City.
- (8) Declaratory rulings shall be processed as either a Type II or Type III application at the discretion of the Community Development Director.
- (9) A declaratory ruling shall be conclusive on the subject of the ruling and bind the parties thereto as to the determination made.
- (10) Parties to a declaratory ruling shall not be entitled to reapply for a declaratory ruling on the same question.
- (11) A declaratory ruling is not subject to modification by request under MDC [18.80.290](#). [Ord. 933 § 16.30, 2019.]

**Applicant Response:** The applicant understands the requirements and process for a declaratory ruling, should one be necessary in the future.

**SECTION 18.80.310 Lot of record.**

Not all units of land are "lots of record." the City will not issue any approvals for land divisions or physical development of real property unless the subject property constitutes a lot of record. The Community Development Director may require a lot of record verification whenever there

is any question as to the origins or the lawfulness of the subject property. Such review will determine if and when a unit of land was created and if it was created in accordance with the law in effect at the time of creation.

(1) For purposes of this Development Code, a “lot of record” is a unit of land held in separate ownership as shown on the records of the Jefferson County Clerk, which conforms to all zoning and subdivision/partition requirements in effect on the date the unit of land was created.

(2) What is not a lot of record:

(a) A unit of land created solely by a tax lot segregation because of an assessor’s role change or for the convenience of the assessor;

(b) A unit of land created by an intervening section or township line or right-of-way; or

(c) A unit of land created by the foreclosure of a security interest.

(3) Remedy for Units of Land Found Not to Be Lots of Record.

(a) The property owner may seek a property line adjustment to consolidate the unit of land with a contiguous unit of land that is determined to be a lot of record. Both units of land must be held in the same ownership as shown on the records of the Jefferson County Clerk;

(b) The property owner may apply for and obtain approval for a single lot partition in conformance with ORS [92.177](#); or

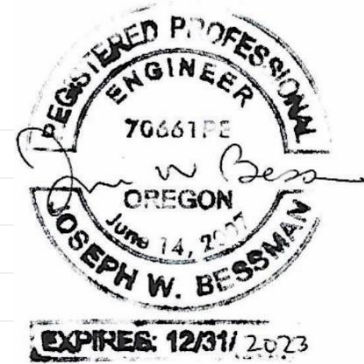
(c) The property owner may apply for and obtain a lot of record validation under ORS [92.176](#). [Ord. 933 § 16.31, 2019.]

**Applicant Response:** The site has been reviewed by a licensed land surveyor and is an existing legal lot of record. This criteria is met.

#### **SECTION 18.80.320 Authorization of similar uses.**

The Community Development Director may permit in a particular zone, after holding a public hearing, a use not listed in this Development Code, provided the use is of the same general type as the uses permitted in that zoning district. However, this section does not authorize placement of a proposed use in a zone where the use is not listed, when that use is specifically listed in another zone, or when the proposed use is of the same general type as a use listed in another zone. An authorization for a similar use may be a standalone declaratory ruling or made as part of an application. [Ord. 933 § 16.32, 2019.]

**Applicant Response:** There are no proposed uses that are not currently permitted in the existing or proposed zoning districts.



Date:	August 31, 2023
To:	Nick Snead, City of Madras
From:	Joe Bessman, PE
Project Reference No.:	1789
Project Name:	Oak Street Multifamily Rezone Transportation Impact Analysis

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## EXECUTIVE SUMMARY

This Transportation Impact Analysis was prepared for the proposed Oak Street multifamily site in Madras, Oregon. The traffic study shows that the site layout conforms with City access, safety, and operational standards. The project includes connections to the surrounding pedestrian system, a new local street connection to NE Oak Street, and ample parking for residents and guests. There are no safety issues identified within the study area and the operational analysis shows that the study intersections will operate with low delays.

## INTRODUCTION

This memorandum follows the submitted scoping materials for the Oak Street multifamily site, which is located in northern Madras on the north side of NE Oak Street just west of NE Hillcrest Street. Scoping materials were provided to the City on July 31<sup>st</sup>, but a formal response was not received at the time this Transportation Impact Analysis was prepared. Figure 1 illustrates the location of the 3.5-acre parcel for area context, which is tax lot 111301CA02203.

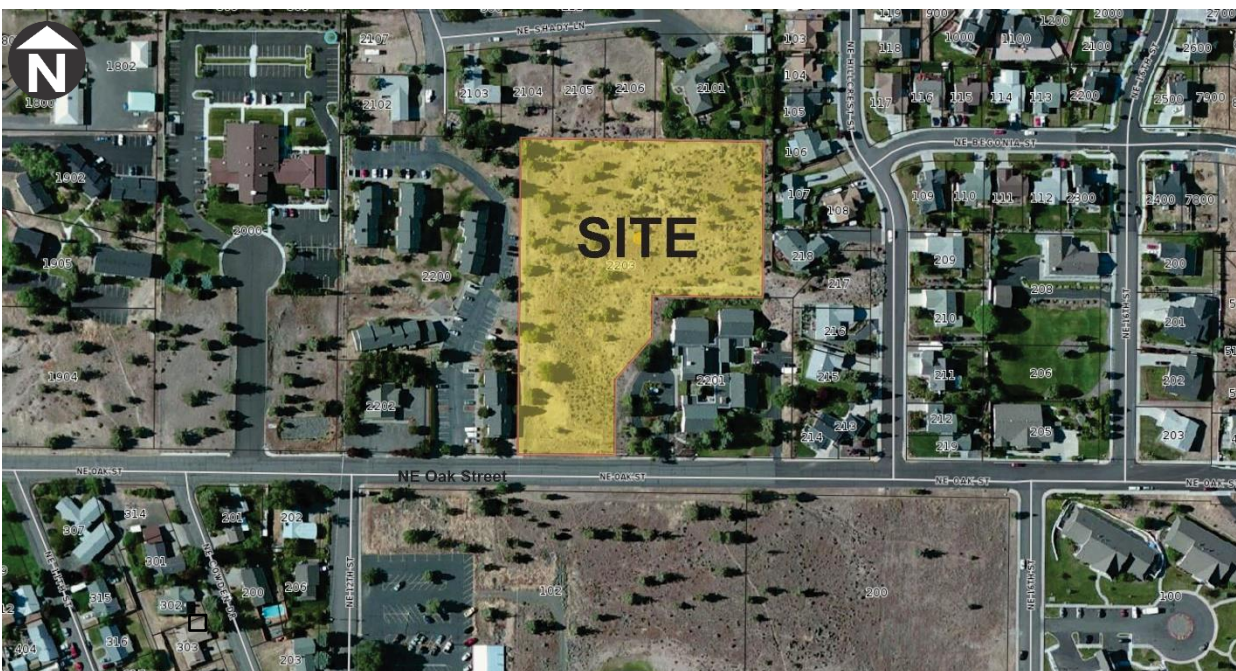


Figure 1. Site Vicinity Map. Source: Jefferson County GIS.

The current zoning is R-1, and the project includes rezoning the site from R-1 to R-3 to support a 60-unit multifamily project with three residential lots planned for single-family residential units (18-units per gross acre density). Adjacent development includes multifamily to the west (Crooked River Apartments), a senior living facility to the southeast (Chinook Place Memory Care and Assisted Living), and single-family uses to the north and northeast. The St. Charles Madras campus is situated due south of the project. The proposed site layout is shown in Figure 2.



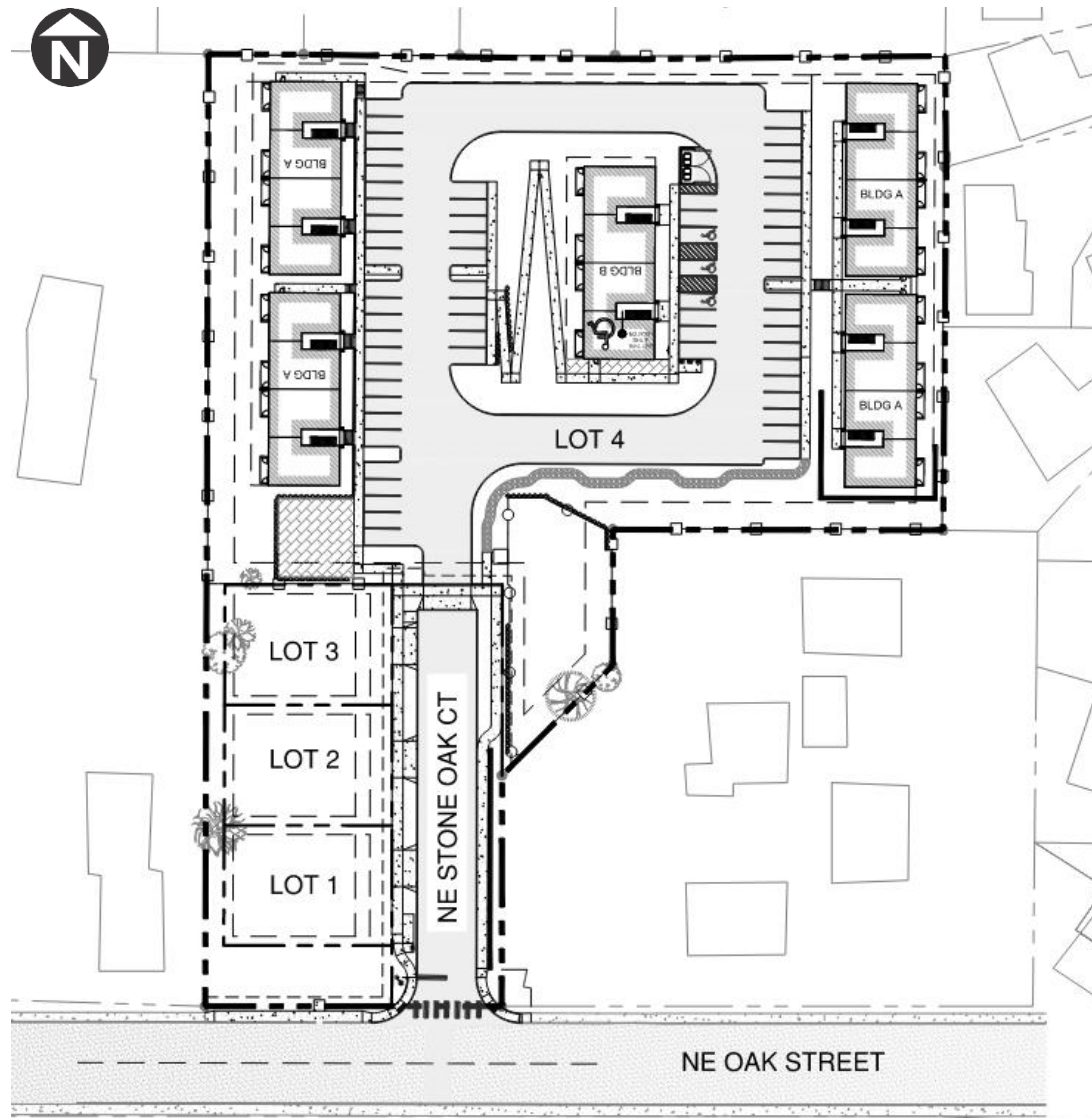


Figure 2. Preliminary Site Plan. Source: BECON Engineering. Dated 9/9/2022

Figure 2 shows that the property would obtain access from NE Oak Street with a local street extension to Lot 4. Each lot would be provided a private driveway access to this public local street ROW. Parking would occur with perpendicular parking throughout the multifamily site and typical driveway access to the single-family lots. A fire turn-around is provided within the looped northern parking area, and trash enclosures have been sited at the end of drive-aisles to facilitate truck access. A total of 71 parking stalls are shown to support the multifamily portion of the site (1.18 per unit), exceeding the City's requirements of one stall per unit. Each of the five multifamily buildings is a three-story structure with 12 units per building, and bicycle parking and common space (with amenities) are provided in the central courtyard.

## EXISTING TRANSPORTATION INFRASTRUCTURE AND CONDITIONS

The primary roadways within the area that will be supporting the development include NE Oak Street, NE 12<sup>th</sup> Street, NE 10<sup>th</sup> Street, and NE 7<sup>th</sup> Street. The City of Madras' *Functional Classification Map* identifies the classification of each street as shown in Figure 3. Further descriptions of the characteristics of these roadways are included below:

- NE Oak Street, a *Minor Collector*, is oriented east-west connecting to US 97 on the west end and serving the St. Charles Madras Hospital and residential areas to the east. NE Oak Street is stubbed on the east end and is planned to be extended in the future to a Kinkade Road extension (Project R42) with a future connection to B street (Project R18). The existing cross-section varies throughout its length. It has a two-lane cross-section with bicycle lanes marked for the first block from US 97. Wide sidewalks are provided near US 97 that drop to no sidewalks on the south side and narrower property-tight sidewalks on the north side. Sidewalks are then provided intermittently throughout the rest of NE Oak Street, with more availability along more recently developed portions of the road. The existing sidewalks include both curb-tight and property-tight designs. Curb extensions and marked crosswalks are provided at the NE 12<sup>th</sup> Street/NE Oak Street intersection, which provides a pedestrian connection between the hospital and a dentist office as well as residential areas. The existing pavement width for most of NE Oak Street is approximately 44 feet, which narrows to approximately 34 feet east of NE 16<sup>th</sup> Street. The posted speed is 25 miles per hour.
- NE 12<sup>th</sup> Street is a *Local Street* connecting NE Oak Street to NE B Street. It has a two-lane cross-section with on-street parking and runs adjacent to the hospital. Sidewalks are only provided on the east side adjacent to the hospital. Marked pedestrian crossings are provided on the north end at NE Oak Street, at the NE 12<sup>th</sup> Street/NE A Street, and at the NE 12<sup>th</sup> Street/NE B Street intersection.
- NE 10<sup>th</sup> Street, a *Major Collector*, is generally oriented north-south and runs parallel to US 97 on the north end. It has an approximately 34-foot pavement width for most of its length and limited sidewalks. Portions of the road retain a rural character with no curbing or sidewalks. It is substantially improved on the north end at the intersection of NE Loucks Road where it widens to a three lane section, has striped bicycle lanes, and property-tight sidewalks with landscape strip on the west side.
- NE 7<sup>th</sup> Street is classified as a *Major Collector* from NE Oak Street south to SE I Street. A short segment of NE 7<sup>th</sup> Street from NE Oak Street to NE Henry Street is classified as a *Local Street*. South of NE Oak Street, NE 7<sup>th</sup> Street has two travel lanes and bicycle lanes. On-street parking is provided for nearly the whole length of the road while sidewalks are provided around the commercial core and adjacent to the Community Park.

Transit service includes curb-to-curb dial-a-ride service or regional transit service to Redmond or Warm Springs (where additional connections are provided) through the Community Connector Shuttles. Route 22 connects Redmond's Kalama Street transit hub with Terrebonne, Culver, Metolius, and Madras, with the Madras stop located at SW 3<sup>rd</sup> Street and SW E Street, west of US 97. Currently, all CET fare collection is suspended until further notice (with exception of recreational routes).



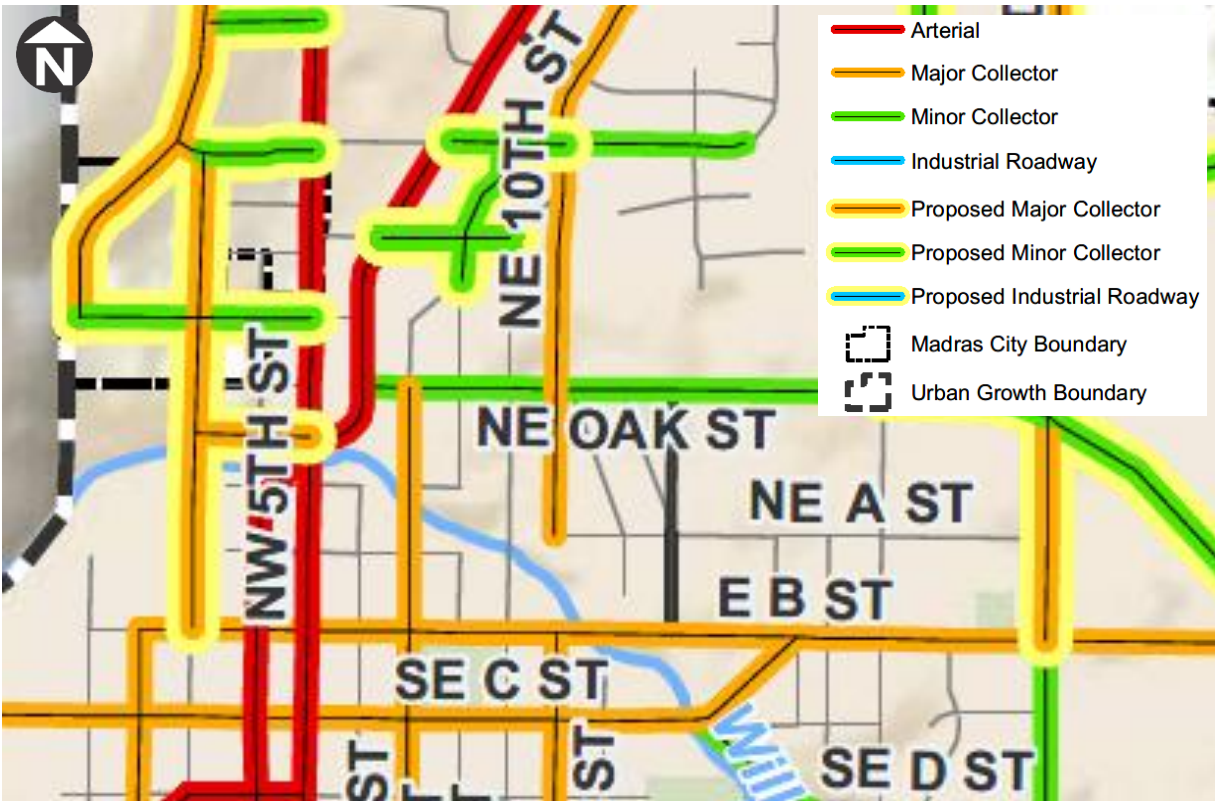


Figure 3. City of Madras Functional Classification Map. *Source: Madras Transportation System Plan.*

### Roadway and Intersection Crash History

A review was conducted of historical crashes surrounding this area based on information provided within ODOT’s Crash Analysis and Reporting System database for the most recent five-year period available, which spans from January 2017 through December 2021. Crashes required for reporting to the DMV must involve at least one motor vehicle, result in more than \$1,500 in property damage (increased to \$2,500 in 2018), or any level of personal injury.

Table 1 summarizes the number and severity of reported crashes at each of the study area intersections. The table also provides a crash rate per million entering vehicles, which is often used to assess whether a geometric or traffic control deficiency is present when the crash rate is greater than 1.0 per million entering vehicles. ODOT also provides crash rates separated by control type and the number of approaches, which better distinguish between varying intersection forms and are provided for reference.

**Table 1. Crash Summary**

Intersection	Number of Crashes	Crash Severity		Crash Type		Crash Rate per MEV	ODOT 90 <sup>th</sup> % Rate
		Injury	Non-Injury	Angle	Sideswipe		
1: NE 7 <sup>th</sup> St/ NE Oak St	3	2	1	2	1	0.41	4ST: 0.408 <i>Urban</i>
2: NE 10 <sup>th</sup> St/ NE Oak St	0	0	0	0	0	0.00	4ST: 0.408 <i>Urban</i>
3: NE 12 <sup>th</sup> St/ NE Oak St	0	0	0	0	0	0.00	3ST 0.293 <i>Urban</i>
4: NE Oak St/ Site Access	0	0	0	0	0	0.00	3ST 0.293 <i>Urban</i>

4ST: Four-legged stop-controlled

As shown in Table 1, there were no reported collisions on NE Oak Street between NE 8<sup>th</sup> Street and NE Hillcrest Street during the five-year period.

There were three reported crashes at or in the vicinity of the NE 7<sup>th</sup> Street/NE Oak Street intersection. This resulted in a crash rate of 0.41, which is slightly higher than the 90<sup>th</sup> percentile rate for similar intersections but provides a low overall crash frequency within a low-volume street. Further details on each of the reported crashes are provided below.

- An angle collision occurred at 5:00 p.m. on January 22, 2020 between a northbound through vehicle and a westbound through vehicle. The crash was attributed to the northbound vehicle not yielding the right-of-way and resulted in possible injury (Injury "A").
- A sideswipe-overtaking crash occurred on November 18, 2020 at 2:00 p.m. just west of the intersection. It involved an eastbound vehicle attempting to pass another eastbound vehicle. It resulted in property damage only.
- On September 23, 2021 at 7:00 a.m. an angle collision occurred between a westbound through vehicle and a southbound through vehicle. It resulted in suspected minor injuries (Injury "B").

No patterns were noted amongst the reported crashes. Field review did not identify any deficiencies within the area related to traffic control, signage, or other conditions.

## Intersection Sight Distance

The proposed Oak Street multifamily development will connect to NE Oak Street along a straight and rolling roadway section that climbs towards the east and into the site as it extends north. Sight distance information and requirements are based on the standard reference *A Policy on Geometric Design of Highways and Streets, 7<sup>th</sup> Edition* published by the American Association of State Highway and Transportation Officials (AASHTO) in 2018, commonly referred to as the *Green Book*. Intersection sight distance was reviewed at the proposed roadway connection to ensure that the route into the site can adequately support the recommended sight lines.

For minor-street stop-control intersections, intersection sight triangles are based on guidance cited within Conditions B1 (left-turn from minor road) and B2 (right-turn from minor road) of the *Green Book*. All distances are measured from a vertex point located 14.5 feet from the major-road travel way along the center of the approaching travel lane, accounting for comfortable positioning distance from the travel way (6.5 feet) and the distance from the front of the vehicle to the driver eye (8.0 feet). The assumed eye

height is 3.5 feet above the departing road for passenger vehicles. The object height is also 3.5 feet above the major road, providing enough space on the approaching vehicle to recognize it. Based on a posted speed of 25 mph and a minor road approach that has less than a 3% grade, Figure 4 illustrates the recommended intersection sight distance measurements required at the roadway connection to NE Oak Street.

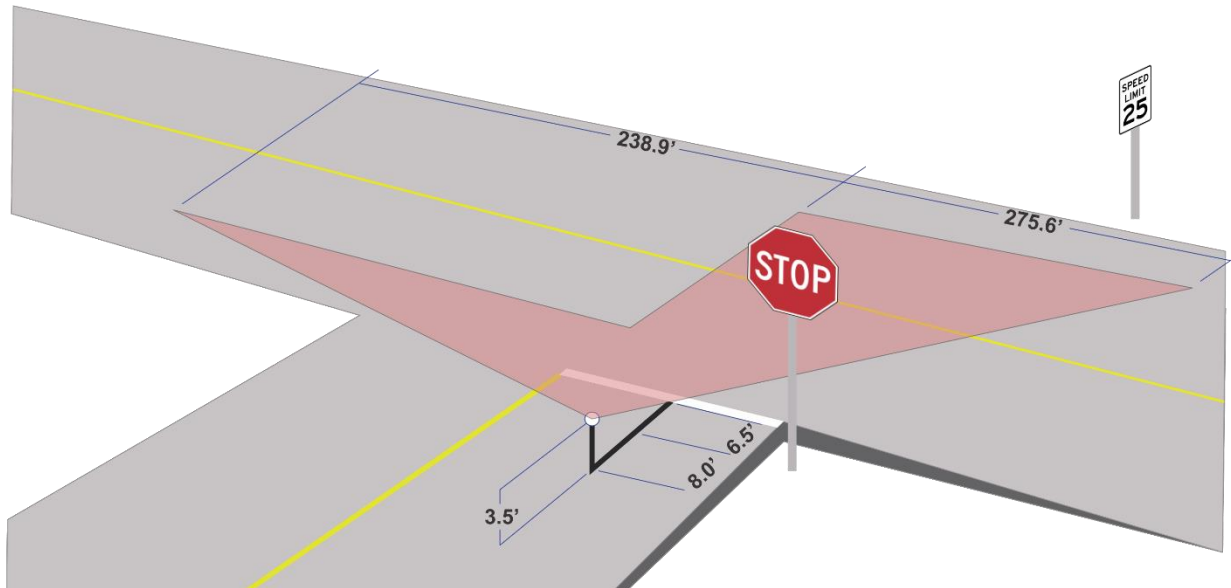


Figure 4. Recommended Intersection Sight Distance Dimensions.

Figures 5 and 6 illustrate the current sight lines onto NE Oak Street. These figures show that clear and unobstructed sight lines are present today, but grading will be required along the entry given the steeply graded site. The embankments should be graded to maintain the sight line dimensions identified in Figure 4.





Figure 5. View on NE Oak Street to the east. Photo date: August 30, 2023.



Figure 6. View on NE Oak Street to the west. Photo date: August 30, 2023.

## Traffic Counts

Traffic counts were collected on NE Oak Street at NE 7<sup>th</sup> Street, NE 10<sup>th</sup> Street, and NE 12<sup>th</sup> Street on August 9<sup>th</sup>, 2023, and included both morning and evening data. The counts reflect peak summer traffic volumes. The data indicates that NE Oak Street carries about 100 to 200 vehicles in the morning peak (7:45 to 8:45 a.m.) and between 150 to 350 trips in the evening peak hour (4:50 to 5:50 p.m.). The higher volumes occur on the west end closer to US 97, which is the predominant travel direction for most of the residential trips. The highest pedestrian crossing activity occurred at the NE 12<sup>th</sup> Street/NE Oak Street intersection. During the weekday a.m. peak, 12 pedestrians were recorded crossing NE Oak Street toward the St Charles Madras Campus. No crossing pedestrians were observed at this intersection during the p.m. peak. The resulting peak hour vehicle traffic volumes are provided in Figure 7.

## Traffic Operations

Traffic operations analysis was prepared using the HCM 6<sup>th</sup> Edition methodology and Synchro analysis software at the study intersections. The inputs included data from the traffic counts, such as pedestrians, cyclists, trucks, and passenger vehicles within the peak hour. All traffic operations within this report reflect peak fifteen-minute conditions.

The City of Madras Municipal Code 18.25.180(2)(i) and (j) contain the City operational requirements for intersections. Performance standards in the City of Madras vary based on intersection control type. For unsignalized intersections, the minimum acceptable level of service for the critical movement is LOS E or LOS F with a “demand-to-capacity” (d/c) ratio of 0.95 or less. In an article titled, “The 24-Hour Capacity Framework: An Alternative to Using the Peak Hour to Design Roads,” the authors report that the “Hourly demand-to-capacity ratio allows practitioners to assess whether demand exceeds capacity at any time during the day and, if so, for how long.”<sup>1</sup> For the purposes of this analysis a volume-to-capacity (v/c) ratio is reported for the weekday a.m. and p.m. peak hours, which recognizes that all of the travel demands on this corridor are being met.

The resultant traffic operations are summarized in Table 2, showing that all study intersections operate well today with very little queuing and delays.

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<sup>1</sup> [https://www.kittelson.com/ideas/the-24-hour-capacity-framework-an-alternative-to-using-the-peak-hour-to-design-roads/#:~:text=Hourly%20demand%2Dto%2Dcapacity%20\(,if%20so%2C%20for%20how%20long.](https://www.kittelson.com/ideas/the-24-hour-capacity-framework-an-alternative-to-using-the-peak-hour-to-design-roads/#:~:text=Hourly%20demand%2Dto%2Dcapacity%20(,if%20so%2C%20for%20how%20long.)

**Table 2. Year 2023 Existing Transportation Conditions, Design Hour Conditions**

Intersection	Performance Standard	Level of Service	Delay (s)	v/c Ratio	Queue (ft)
<b>Weekday AM Peak Hour</b>					
1: NE 7 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 10.0	NB: 0.06	NB: 25 ft
2: NE 10 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.6	NB: 0.01	NB: 0 ft
3: NE 12 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.2	NB: 0.02	NB: 25 ft
4: NE Oak St/ Site Access	$v/c \leq 0.95$				
<b>Weekday PM Peak Hour</b>					
1: NE 7 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 11.6	NB: 0.14	NB: 25 ft
2: NE 10 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 10.7	NB: 0.02	NB: 25 ft
3: NE 12 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.4	NB: 0.06	NB: 25 ft
4: NE Oak St/ Site Access	$v/c \leq 0.95$				



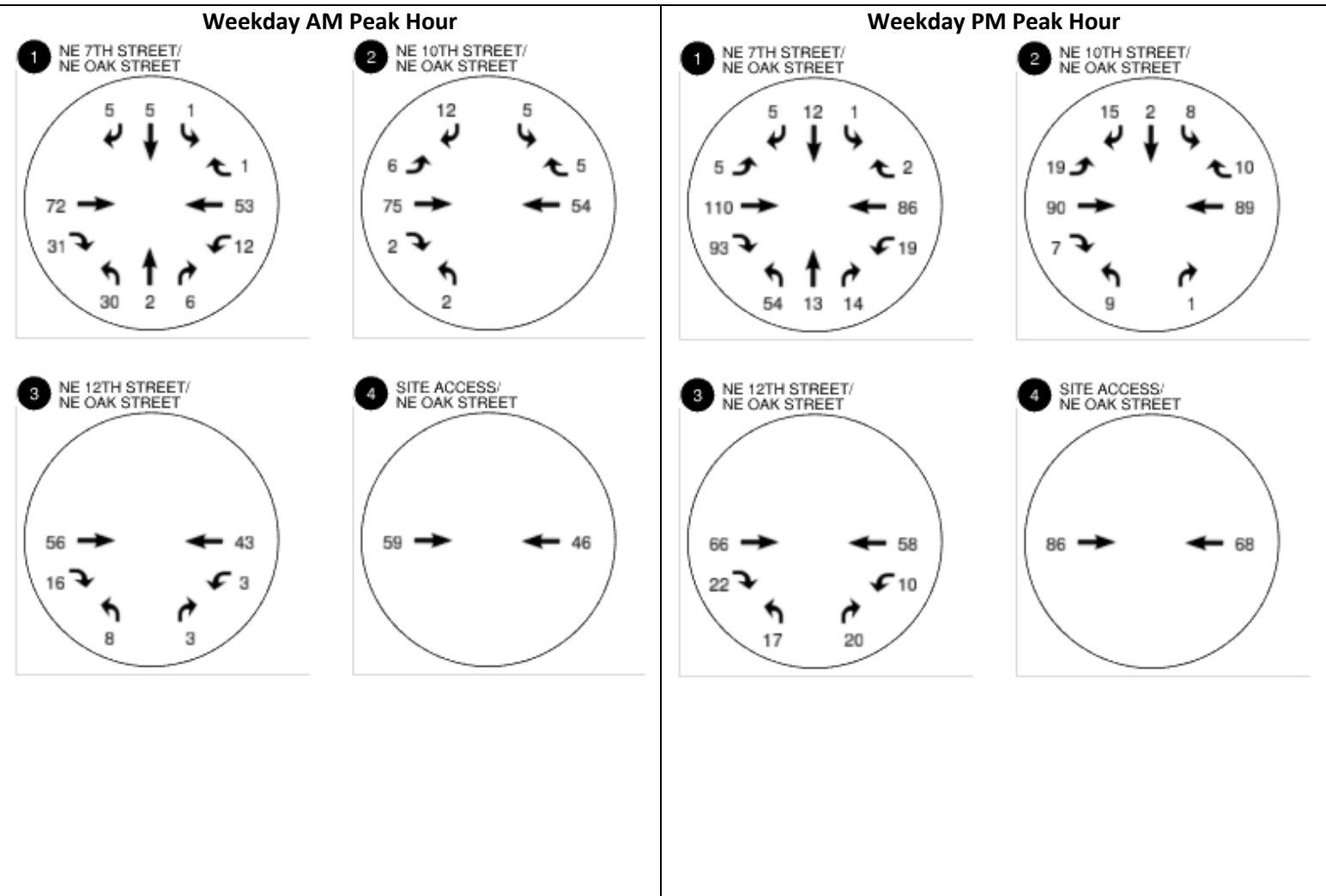


Figure 7. Year 2023 Existing Traffic Volumes.

## YEAR 2027 BACKGROUND TRAFFIC CONDITIONS

The background traffic conditions assessment describes conditions in the study area without the proposed multifamily development. This scenario was developed through application of a 1.4% cumulative annual growth rate to the 2023 existing volumes, consistent with the value applied within the City’s adopted TSP<sup>2</sup>. The resulting volumes are depicted in Figure 8.

No planned/funded projects were identified that would impact the study area intersections along NE Oak Street; it is expected that all lane configurations and traffic control will remain in their current configuration. Table 3 summarizes the operational analysis of this scenario, which shows that all study intersections will continue to operate acceptably in the future.

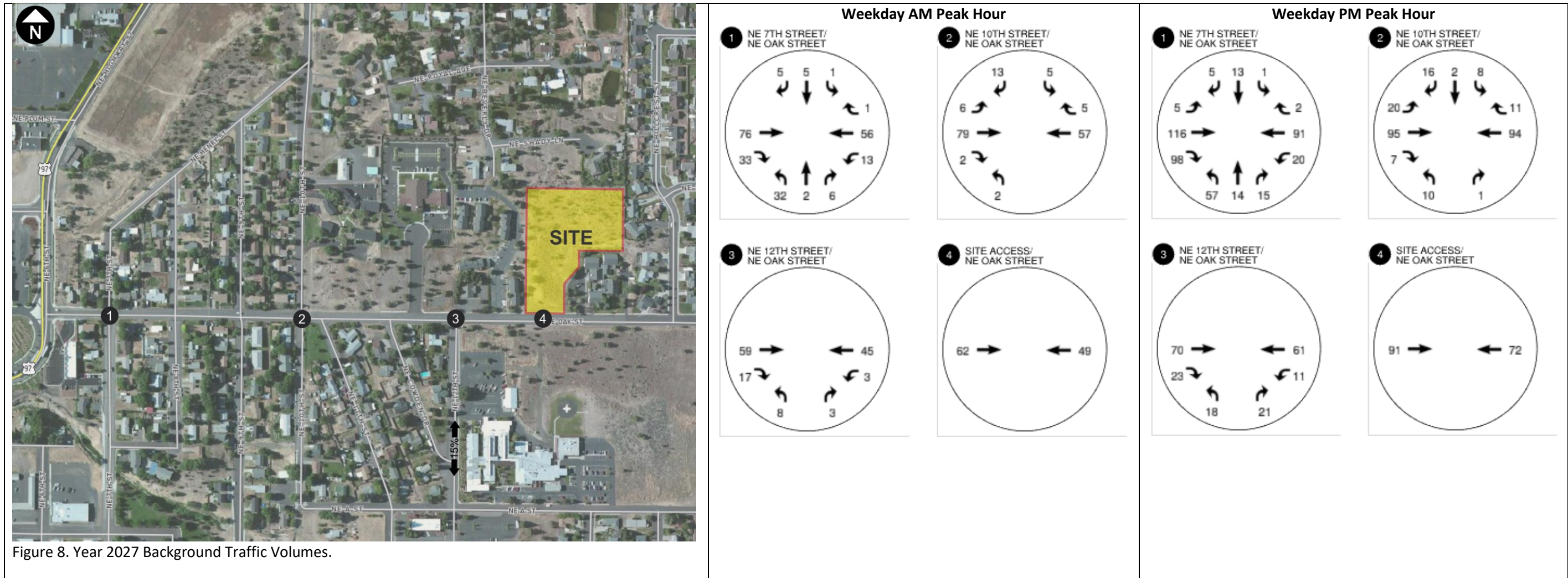
**Table 3. Year 2027 Background Transportation Conditions, Design Hour Conditions**

Intersection	Performance Standard	Level of Service	Delay (s)	v/c Ratio	Queue (ft)
<b>Weekday AM Peak Hour</b>					
1: NE 7 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 10.1	NB: 0.06	NB: 25 ft
2: NE 10 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.7	NB: 0.01	NB: 0 ft
3: NE 12 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.3	NB: 0.02	NB: 25 ft
4: NE Oak St/ Site Access	$v/c \leq 0.95$				
<b>Weekday PM Peak Hour</b>					
1: NE 7 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 11.9	NB: 0.15	NB: 25 ft
2: NE 10 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 10.9	NB: 0.02	NB: 25 ft
3: NE 12 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.5	NB: 0.06	NB: 25 ft
4: NE Oak St/ Site Access	$v/c \leq 0.95$				

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<sup>2</sup> The preparation of the City’s TSP included a 30% Citywide growth rate to increase 2016 traffic counts to a forecast year of 2035, equating to 1.4% cumulative annual growth. Application of this same growth rate to 2027 (4 years) equates to a total growth rate of 5.7%.





## PROPOSED DEVELOPMENT PLAN

The proposed plans for the site include five multifamily buildings located on the north side of the site to accommodate 60 units and three single family homes on the south end of the site adjacent to a new local street connection to NE Oak Street. Access to the site will be through the single access to NE Oak Street.

### Trip Generation

Trip generation estimates were prepared based on national data within the Institute of Transportation Engineers' standard reference *Trip Generation, 11<sup>th</sup> Edition*. This reference provides cordon-area trip generation surveys of similar uses throughout the US. For the subject site located in the northern portion of Madras the *General Urban/Suburban* data has been applied. The site is currently undeveloped, and the proposed uses within Lot 4 will be best classified using ITE's Multifamily Housing (Low-Rise) classification as the apartments will provide less than four stories of living space.

**ITE Land Use 220: Multifamily Housing (Low-Rise):** *Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels). Various configurations fit this description, including walkup apartment, mansion apartment, and stacked townhouse.*

- *A walkup apartment typically is two or three floors in height with dwelling units that are accessed by a single or multiple entrances with stairways and hallways.*
- *A mansion apartment is a single structure that contains several apartments within what appears to be a single-family dwelling unit.*
- *A fourplex is a single two-story structure with two matching dwelling units on the ground and second floors. Access to the individual units is typically internal to the structure and provided through a central entry and stairway.*
- *A stacked townhouse is designed to match the external appearance of a townhouse. But, unlike a townhouse dwelling unit that only shares walls with an adjoining unit, the stacked townhouse units share both floors and walls. Access to the individual units is typically internal to the structure and provided through a central entry and stairway.*

The single-family homes on the south side of the site can best be classified as ITE's Single-Family Detached Housing classification.

**ITE Land Use 210: Single-Family Detached Housing:** *A single-family detached housing site includes any single-family detached home on an individual lot. A typical site surveyed is a suburban subdivision.*

Table 4 provides the estimated trip generation for the proposed development. Note that ITE's average rate equations were applied to this housing type consistent with typical City practice. While the fitted curve equation provides a fairly high R<sup>2</sup> coefficient (0.84), the y-intercept value skews the resultant trip rate for a development of this small scale.

**Table 4. Trip Generation Estimates (ITE 11<sup>th</sup> Edition, General Urban/Suburban Area Classification)**

Land Use	ITE Code	Size	Weekday Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Multifamily Housing (Low-Rise) <i>ITE Average Trip Rate</i>	220	60 Units	404 <i>(6.74/Unit)</i>	24 <i>(0.40/Unit)</i>	6 <i>24%</i>	18 <i>76%</i>	31 <i>(0.51/Unit)</i>	19 <i>63%</i>	12 <i>37%</i>
Single-Family Detached Housing <i>ITE Average Trip Rate</i>	210	3 Units	28 <i>(9.43/Unit)</i>	2 <i>(0.70/Unit)</i>	1 <i>25%</i>	1 <i>75%</i>	3 <i>(0.94/Unit)</i>	2 <i>63%</i>	1 <i>37%</i>
Total		63 Units	432	26	7	19	34	21	13

As shown in Table 4, the proposed development is expected to generate less than 500 weekday daily trips but more than 25 peak hour trips. In addition, as the proposed development includes a rezone from R-1 to R-3, the study will also require compliance with the Transportation Planning Rule provisions for Plan and Land Use Regulation Amendments (OAR 660-012-0060) as separately addressed within this report.

### Trip Distribution and Trip Assignment

The estimated trip distribution pattern was prepared based on the location of the site relative to non-residential trip attractions within the City of Madras, with most travel oriented toward the US 97 corridor for access to employment opportunities and commercial services. The estimated trip distribution is shown in Figure 9. Based on the estimated trip generation shown in Table 4, site-generated trips were then assigned to the transportation system based on the distribution patterns. The resultant trip assignment for the weekday a.m. and p.m. peak hours is also provided in Figure 9.

### PROJECT STUDY AREA

The study area for this Transportation Impact Analysis was prepared based on review of the City’s TIA Guidelines and the materials submitted as part of the scoping process. City of Madras’ TIA guidelines identify that a TIA is required when:

- (i) *The development generates fifty (50) or more peak hour trips or five hundred (500) or more daily trips.*
- (ii) *An access spacing exception is required for the site access driveway(s) or access is proposed from an arterial or collector street.*
- (iii) *The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.*
- (iv) *The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high accident locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.*
- (v) *Otherwise as determined by the Public Works Director.*



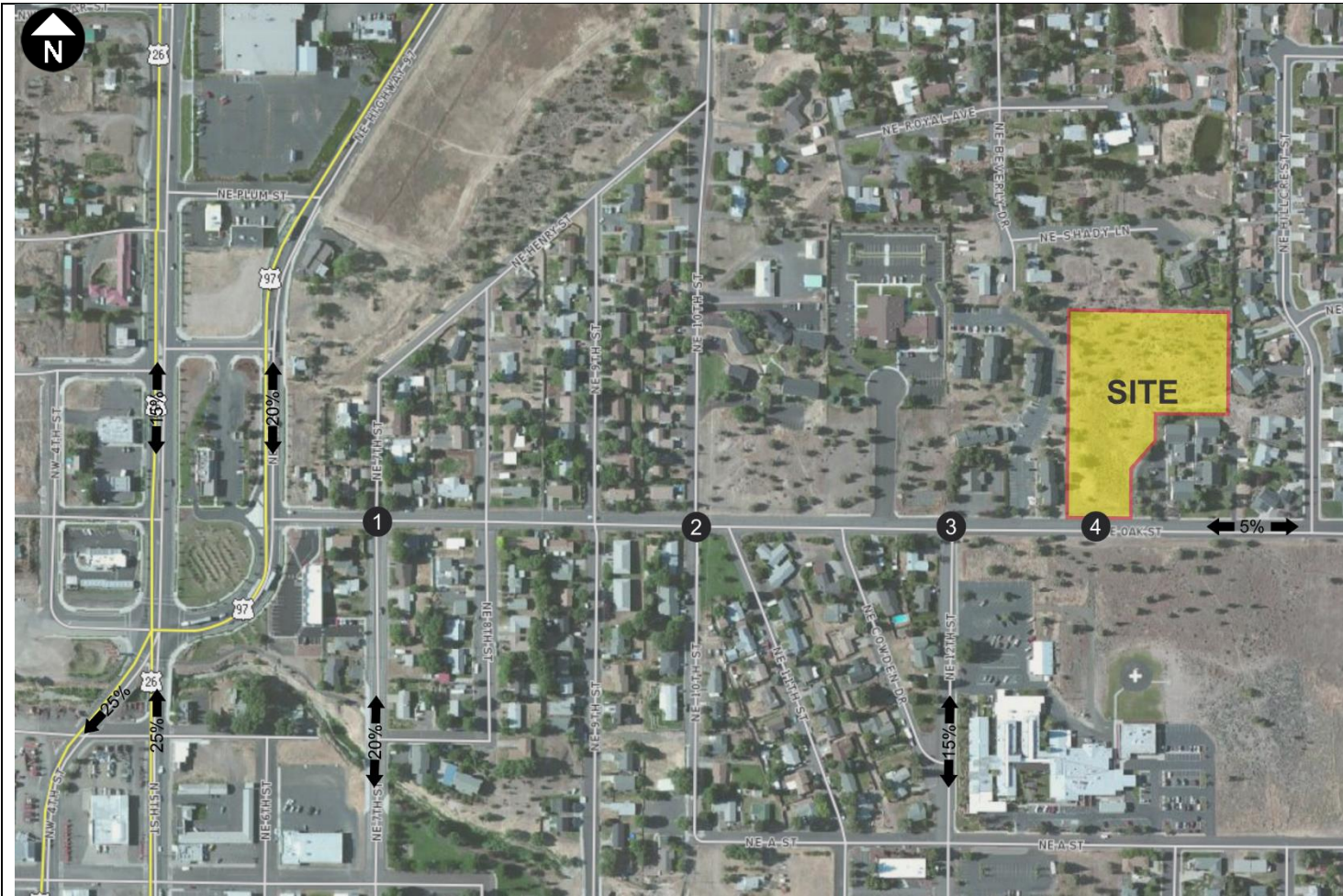
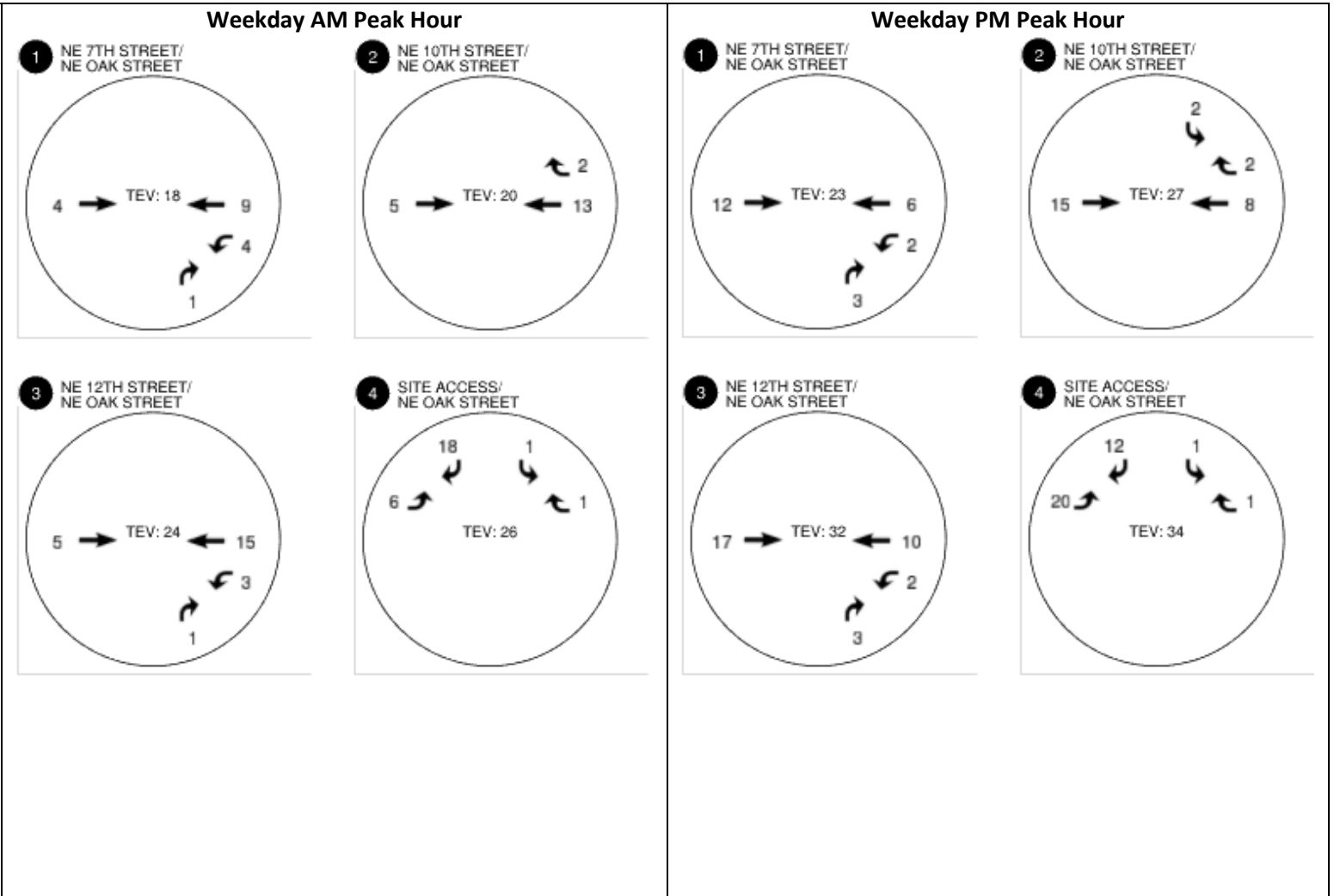


Figure 9. Estimated Trip Distribution and Assignment.



While the trip generation does not meet the City's thresholds for requiring a TIA, the multifamily development is proposed to have access via a new local street to Oak Street, a *Minor Collector*. Thus, a TIA is required under 18.25.180(1)(a)(ii) of the City's TIA requirements. Additionally, the TIA requirements indicate that "The transportation impact analysis should always address the weekday a.m. and p.m. peak hours when the proposed land use action is expected to generate twenty-five (25) trips or more during the peak time periods." As this development is expected to exceed this threshold during the a.m. and p.m. peak hour, study of both time periods is required.

The City's TIA guidelines indicate that the study area should include site access intersections as well as the extension beyond these points in conformance with the access spacing standards. The proposed multifamily development includes an access onto NE Oak Street (designated as a *Minor Collector*), and the City's access spacing standards for this facility are 200 feet for public connections and 50-feet for private driveways per Table 7 of the City's adopted Transportation System Plan. The study guidelines also state that "Beyond the minimum study area, the transportation impact analysis should evaluate all intersections that receive site-generated trips that make up at least 10% or more of the total intersection volume. In addition to these requirements, the Public Works Director (or his/her designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development."

The proposed development includes a rezone (with concurrent site plan), and the rezone section of this application shows that the proposed development is below the development potential of the existing zoning and therefore complies with the TPR (this analysis was provided in the scoping letter and is included in a later section in this report). The City of Madras' traffic study guidelines do not reflect the Clear and Objective requirements applicable to needed housing as defined by Oregon Revised Statute 197.307. Based on the trip assignment shown in Figure 9 and City requirements, the following intersections are included as *Study Intersections* within this report.

- NE 7<sup>th</sup> Street/NE Oak Street
- NE 10<sup>th</sup> Street/NE Oak Street
- NE 12<sup>th</sup> Street/NE Oak Street
- NE Oak Street/Site Access

The inclusion of these locations extends beyond the City's *Minor Collector* access spacing standards (200-feet for a public street) but captures key City intersections and their impacts on Oak Street traveling toward the highway system. In both the morning and evening peak hours the impact to ODOT facilities is less than half the analysis threshold, so study of these intersections is not required or included in this report.

## ACCESS SPACING

The City of Madras contains access spacing requirements within Table 7 of its adopted Transportation System Plan. As separately identified, NE Oak Street is a *Minor Collector*, with an access spacing standard of 200 feet between public streets and 50 feet between private access points. These access spacing dimensions will be met with the proposed plan, with approximately 90-feet of access spacing provided to the east and 250 feet of spacing toward the west.

## YEAR 2027 BUILD-OUT OPERATIONS ANALYSIS

The proposed multifamily development is estimated to be complete by 2027. There are no changes to the surrounding infrastructure planned with this project, outside of frontage improvements.

This traffic volume scenario was developed by adding the Year 2027 “No Build” traffic volumes with the site-generated trips from the proposed development. The resultant traffic volumes are shown in Figure 10, and the traffic operations analysis is shown in Table 5. As shown, all study intersections continue to operate acceptably with very little delays or queuing with the proposed development.

**Table 5. Year 2027 With Project Transportation Conditions, Design Hour Conditions**

Intersection	Performance Standard*	Level of Service	Delay (s)	v/c Ratio	Queue (ft)
<b>Weekday AM Peak Hour</b>					
1: NE 7 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 10.3	NB: 0.07	NB: 25 ft
2: NE 10 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.9	NB: 0.01	NB: 0 ft
3: NE 12 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.4	NB: 0.02	NB: 25 ft
4: NE Oak St/ Site Access	$v/c \leq 0.95$	SB: LOS A	SB: 8.7	SB: 0.03	SB: 25 ft
<b>Weekday PM Peak Hour</b>					
1: NE 7 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 12.2	NB: 0.16	NB: 25 ft
2: NE 10 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS B	NB: 11.2	NB: 0.02	NB: 25 ft
3: NE 12 <sup>th</sup> St/ NE Oak St	$v/c \leq 0.95$	NB: LOS A	NB: 9.7	NB: 0.07	NB: 25 ft
4: NE Oak St/ Site Access	$v/c \leq 0.95$	SB: LOS A	SB: 8.9	SB: 0.02	SB: 25 ft

## SITE CIRCULATION

The proposed site layout contains an intuitive design with perpendicular parking throughout. Upon entering the site by automobile, residents of lots 1 through 3 can access homes directly from the new local street. Residents of lot 4 can continue directly into the multifamily portion of the site. The site has a simple circulation plan with an open space in the middle and the drive aisle and parking around it. The internal looped area provides 26-foot wide drive aisles and sidewalks throughout.

## STREET CROSS SECTION

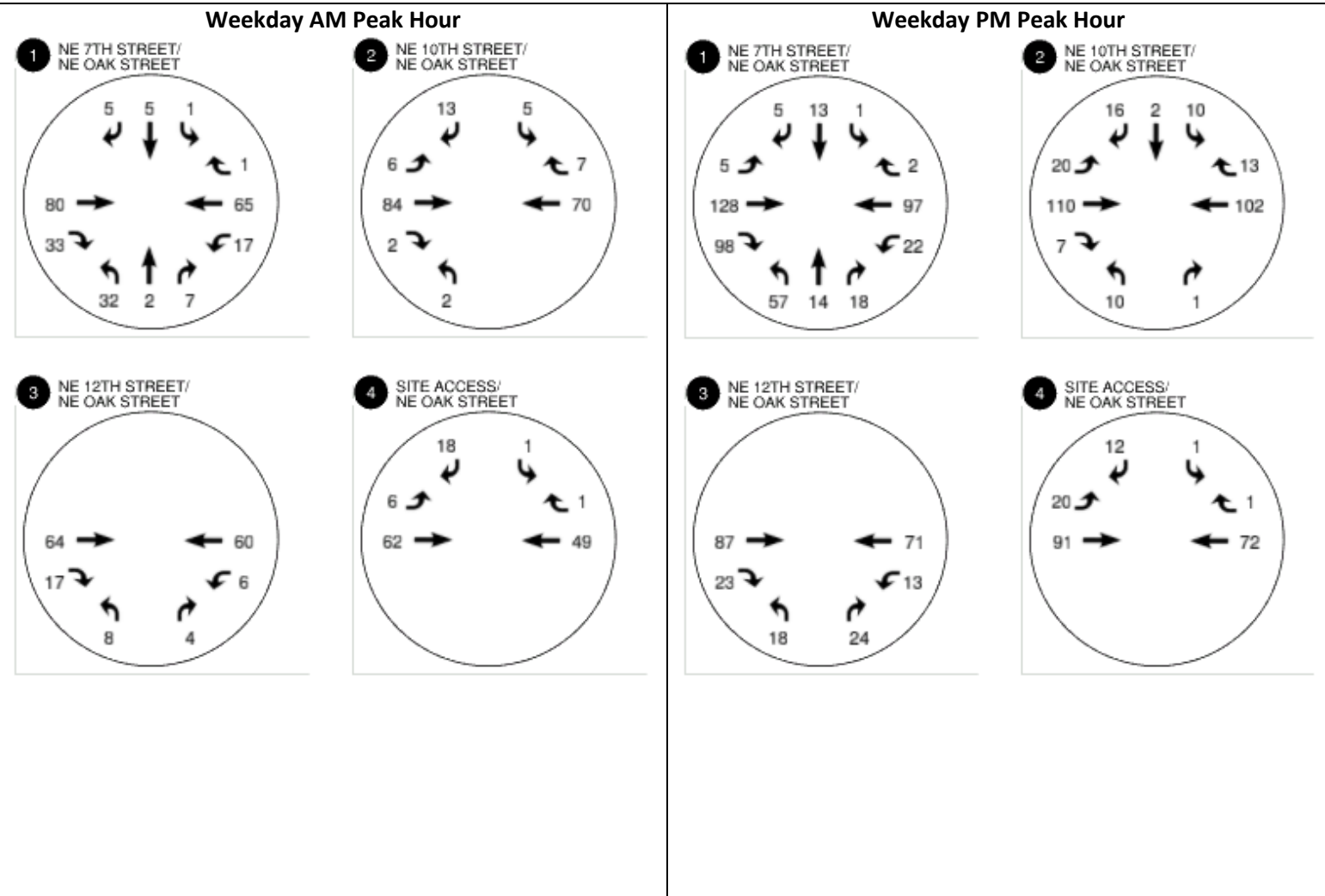
The City’s street standards are contained within the *Public Improvement Design and Construction Standards*. Typical standards for *Minor Collectors* include 60 feet of right-of-way with two 12-foot travel lanes, sidewalks, landscape strip, and optional on-street parking. The site has approximately 160 feet of

frontage on NE Oak Street. Along the site frontage there is already curbing in place and existing sidewalks are located adjacent to the site on both sides. The existing right-of-way is approximately 60 feet meeting City standards. As part of frontage improvements, the proposed multifamily development will build sidewalks and provide a landscape strip on NE Oak Street.





Figure 10. Year 2027 Build-Out Traffic Volumes.





Typical standards for *Local Streets* include 55 feet of right-of-way with a 32-foot paved width, sidewalks, on-street parking, and landscape strip. The approximately 275-foot long new local street into the site should be built to this standard.

## TRANSPORTATION PLANNING RULE COMPLIANCE

The proposed development includes a rezone from Moderate Density Residential (R-1) to Planned Residential Development (R-3), with the application including submittal of a concurrent site plan application. This effectively allows the comparative TPR scenarios to “cap” the development potential of the site with these proposed plans. The long-range (2040) analysis scenario would not assess the impact of the proposed development, but rather the comparative increase in trips between the existing R-1 zoning and the proposed site plan.

The existing R-1 zoning designation allows single-family homes, townhomes, cottages and apartments, with various limitations on these uses:

- Single-family lots are permitted on lots with a minimum size of 5,000 square-feet. ADUs are permitted on each single-family lot.
- Townhomes are permitted, but subject to density requirements permitting no more than three units on a 5,000 square-foot lot and four units on a 7,500 square-foot lot.
- Apartment units are permitted in the R-1 zoning, with no more than four units per structure and no more than 24 total units per site.

Based on these provisions, the R-1 zoning could allow 30 separate lots that are 5,000 square-feet each, with 3 townhomes per lot (assuming the geometry of the lot would support this type of design). Trip generation estimates for this theoretical “maximum density” development are presented in Table 6 for the weekday p.m. peak period only (consistent with the City’s adopted Transportation System Plan).

**Table 6. Maximum Density R-1 Development Scenario**

Land Use	ITE Code	Size	Weekday Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Single-Family Attached Housing <i>ITE Average Trip Rate</i>	215	Up to 90 Units	648 <i>(7.20/Unit)</i>	51 <i>(0.57/Unit)</i>	30 <i>59%</i>	21 <i>41%</i>

Comparison of trip rates within Table 6 (Maximum Existing Zoning Potential) and Table 4 (Proposed Trip Generation) shows that the proposed multifamily site is less intense than what could otherwise be permitted within this 3.5-acre property. Accordingly, a significant impact does not occur with the proposed rezone and further demonstration of TPR compliance is not required. If any changes to the site plan occur, if these changes remain below the trip levels shown in Table 6, further assessment will not be required.

## FINDINGS AND RECOMMENDATIONS

The traffic study prepared for the proposed Oak Street multifamily development identifies the following:

- The proposed 3.5-acre multifamily project is planned to consist of 60 multifamily units and 3 single-family detached homes with access from a new local street to NE Oak Street.

- The proposed development is estimated to generate 432 weekday daily trips of which 26 trips are expected to occur during the weekday a.m. peak hour and 34 during the weekday p.m. peak hour.
- The site is currently zoned R-1 and the project includes rezoning the site from R-1 to R-3 to support this project. The TPR analysis shows that the proposed multifamily plan is less intense than what is permitted with the existing R-1 zoning. A significant impact does not occur with the proposed rezone. Further demonstration of TPR compliance is not required.
- No sight distance issues were identified at the proposed local street connection to NE Oak Street. However, with the steep grades it is recommended that the embankments be sloped to maintain the clear sight lines available today.
- There are no crash patterns within the study area identified from review of historical data.
- Traffic operations show that all study intersections meet City operation standards today, in the future build-out year, and with buildout of the site in the year 2027.
- Frontage improvements on NE Oak Street should include sidewalks and a landscape strip.
- The new local street should be built to City standards to include 55 feet of right-of-way, sidewalks, on-street parking, and a landscape strip.
- The project should support Citywide transportation improvements through payment of Transportation SDCs.

Please let me know if you have any questions or comments on these transportation materials at (503) 997-4473 or via email at [joe@transightconsulting.com](mailto:joe@transightconsulting.com).

Attachments:

- Traffic Count Worksheets
- Existing Conditions LOS Worksheets
- Background Conditions LOS Worksheets
- With Project Conditions LOS Worksheets

Transight Consulting

N/S street:	NE 7th St
E/W street:	NE Oak St
	NE 7th St at NE Oak St
City, State	Madras OR
Study ID #	113
Location	
Start Date	Wednesday, August 09, 2023
Start Time	07:00:00 AM
Peak Hour Start	07:45:00 AM
Peak 15 Min Start	07:45:00 AM
PHF (15-Min Int)	0.84

Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

Percent Heavy Vehicles																							

PHV- Bicycles																PHV - Pedestrians					
Northbound				Southbound				Eastbound				Westbound				Sum	in Crosswalk				Sum
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		NB	SB	EB	WB	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

All Vehicle Volumes																		
Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR
	NE 7th St				NE 7th St				NE Oak St				NE Oak St					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
07:00:00 AM	1	0	0	0	0	0	0	0	1	3	2	0	1	1	0	0		
07:05:00 AM	2	0	0	0	0	2	0	0	1	3	2	0	0	3	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	3	2	0	0	6	0	0	33	
07:15:00 AM	1	0	0	0	0	0	0	0	0	1	3	0	0	4	0	0	33	
07:20:00 AM	0	0	0	0	0	0	2	0	0	3	2	0	0	8	0	0	35	
07:25:00 AM	2	1	1	0	0	0	1	0	0	2	4	0	0	5	0	0	40	
07:30:00 AM	5	0	0	0	0	1	0	0	0	2	2	0	1	10	0	0	52	
07:35:00 AM	0	1	0	0	1	0	1	0	0	1	1	0	0	2	0	0	44	
07:40:00 AM	1	0	0	0	0	0	1	0	0	4	2	0	1	4	0	0	41	
07:45:00 AM	4	1	0	0	0	0	0	0	0	8	3	0	3	5	0	0	44	
07:50:00 AM	1	0	1	0	0	1	0	0	0	5	3	0	2	5	0	0	55	
07:55:00 AM	5	0	0	0	0	1	2	0	0	7	3	0	1	4	0	0	65	179
08:00:00 AM	3	0	0	0	0	0	0	0	0	3	2	0	0	6	0	0	55	184
08:05:00 AM	0	0	2	0	0	0	1	0	0	5	3	0	0	7	0	0	55	189
08:10:00 AM	2	0	1	0	0	0	0	0	0	7	3	0	0	4	0	0	49	195
08:15:00 AM	4	0	1	0	0	0	0	0	0	5	3	0	3	6	0	0	57	208
08:20:00 AM	2	0	0	0	1	0	1	0	0	6	1	0	1	3	0	0	54	208
08:25:00 AM	2	0	1	0	0	1	0	0	0	5	1	0	1	7	0	0	55	210
08:30:00 AM	3	0	0	0	0	0	1	0	0	10	1	0	1	3	0	0	52	208
08:35:00 AM	4	0	0	0	0	2	0	0	0	7	2	0	0	0	1	0	53	217
08:40:00 AM	0	1	0	0	0	0	0	0	0	4	6	0	0	3	0	0	49	218
08:45:00 AM	0	1	0	0	0	1	1	0	0	3	3	0	0	4	0	0	43	207
08:50:00 AM	5	0	0	0	0	0	0	0	0	5	2	0	0	10	0	0	49	211
08:55:00 AM	6	0	0	0	0	0	0	0	0	6	1	0	3	7	0	0	58	211

Bicycles on Road

Transight Consulting

Time	Northbound NE 7th St				Southbound NE 7th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		
07:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
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08:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Passenger vehicles and light trucks

Time	Northbound NE 7th St				Southbound NE 7th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		
07:00:00 AM	1	0	0	0	0	0	0	0	1	3	2	0	1	1	0	0		
07:05:00 AM	2	0	0	0	0	2	0	0	1	3	2	0	0	3	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	3	2	0	0	6	0	0	33	
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08:10:00 AM	2	0	1	0	0	0	0	0	0	7	3	0	0	4	0	0	49	191
08:15:00 AM	4	0	0	0	0	0	0	0	0	4	3	0	3	5	0	0	54	201
08:20:00 AM	2	0	0	0	0	0	1	0	0	6	1	0	1	3	0	0	50	201

Transight Consulting

08:25:00 AM	2	0	1	0	0	1	0	0	0	0	5	1	0	1	7	0	0	51	203
08:30:00 AM	3	0	0	0	0	0	0	0	0	0	10	0	0	1	3	0	0	49	199
08:35:00 AM	4	0	0	0	0	2	0	0	0	0	7	1	0	0	0	1	0	50	208
08:40:00 AM	0	1	0	0	0	0	0	0	0	0	3	6	0	0	3	0	0	45	208
08:45:00 AM	0	1	0	0	0	1	1	0	0	0	3	3	0	0	4	0	0	41	197
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08:55:00 AM	6	0	0	0	0	0	0	0	0	0	6	1	0	3	7	0	0	58	203

FHWA 4-13 -Truck/Multi-Unit/Heavy Trucks

Time	Northbound				Southbound				Eastbound				Westbound				15 Min 1 HR		
	NE 7th St				NE 7th St				NE Oak St				NE Oak St				Sum	Sum	
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum			
07:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
07:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:35:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:55:00 AM	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2	4
08:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	4
08:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	4
08:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
08:15:00 AM	0	0	1	0	0	0	0	0	0	0	1	0	0	0	1	0	0	3	7
08:20:00 AM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	4	7
08:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	7
08:30:00 AM	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	3	9
08:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3	9
08:40:00 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	4	10
08:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	10
08:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	10
08:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8

Pedestrians Crossing

15 Min 1 HR

Time	NB	SB	EB	WB	Sum	Sum
07:00:00 AM	0	0	0	0		
07:05:00 AM	0	0	0	0		
07:10:00 AM	0	0	0	0	0	
07:15:00 AM	0	0	0	0	0	
07:20:00 AM	0	0	0	0	0	
07:25:00 AM	0	0	0	0	0	
07:30:00 AM	0	0	0	0	0	
07:35:00 AM	0	0	0	0	0	
07:40:00 AM	0	0	0	0	0	
07:45:00 AM	0	0	0	0	0	
07:50:00 AM	0	0	0	0	0	

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07:55:00 AM	0	0	0	0	0	0
08:00:00 AM	0	0	0	0	0	0
08:05:00 AM	0	0	0	0	0	0
08:10:00 AM	0	0	0	0	0	0
08:15:00 AM	0	0	0	0	0	0
08:20:00 AM	0	0	0	0	0	0
08:25:00 AM	0	0	0	0	0	0
08:30:00 AM	0	0	0	1	1	1
08:35:00 AM	0	0	0	0	1	1
08:40:00 AM	0	0	0	1	2	2
08:45:00 AM	0	0	0	0	1	2
08:50:00 AM	0	0	0	0	1	2
08:55:00 AM	0	0	0	0	0	2

Transight Consulting

N/S street:	NE 7th St
E/W street:	NE Oak St
	NE 7th St at NE Oak St
City, State	Madras OR
Study ID #	113
Location	
Start Date	Wednesday, August 09, 2023
Start Time	04:00:00 PM
Peak Hour Start	04:50:00 PM
Peak 15 Min Start	04:55:00 PM
PHF (15-Min Int)	0.91

Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent Heavy Vehicles																			

PHV - Bicycles															PHV - Pedestrians					
Northbound				Southbound				Eastbound				Westbound			Sum	in Crosswalk				Sum
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right		NB	SB	EB	WB	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1

All Vehicle Volumes																		
Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR
	NE 7th St				NE 7th St				NE Oak St				NE Oak St					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
04:00:00 PM	3	2	1	0	0	1	1	0	0	3	5	0	1	7	0	0		
04:05:00 PM	9	0	0	0	0	1	0	0	1	7	8	0	2	7	0	0		
04:10:00 PM	3	0	1	0	0	1	0	0	0	10	9	0	1	9	0	0	93	
04:15:00 PM	1	0	1	0	0	1	0	0	1	14	6	0	1	3	0	0	97	
04:20:00 PM	2	1	2	0	1	2	0	0	0	5	3	0	2	7	0	0	87	
04:25:00 PM	1	0	2	0	0	0	0	0	1	8	4	0	1	6	1	0	77	
04:30:00 PM	4	1	1	0	0	0	0	0	0	3	3	0	1	11	0	0	73	
04:35:00 PM	4	1	0	0	0	0	0	0	1	8	8	0	1	6	0	0	77	
04:40:00 PM	6	0	0	0	0	0	0	0	0	5	7	0	3	9	0	0	83	
04:45:00 PM	4	2	2	0	0	0	0	0	0	7	6	0	0	8	0	0	88	
04:50:00 PM	1	0	0	0	0	1	0	0	0	14	5	0	1	7	0	0	88	
04:55:00 PM	3	4	3	0	0	1	1	0	0	13	7	0	2	9	0	0	101	354
05:00:00 PM	5	2	2	0	0	0	0	0	1	10	5	0	0	9	1	0	107	365
05:05:00 PM	3	1	2	0	0	2	0	0	0	11	6	0	3	8	0	0	114	366
05:10:00 PM	5	1	1	0	0	0	0	0	0	9	4	0	6	10	0	0	107	368
05:15:00 PM	5	0	4	0	0	2	0	0	0	3	4	0	1	3	0	0	94	362
05:20:00 PM	6	1	2	0	1	1	0	0	0	6	14	0	0	10	0	0	99	378
05:25:00 PM	3	2	0	0	0	0	0	0	1	5	10	0	3	5	0	0	92	383
05:30:00 PM	6	0	0	0	0	3	1	0	0	8	7	0	1	7	0	0	103	392
05:35:00 PM	4	0	0	0	0	1	0	0	1	10	12	0	0	6	0	0	96	397
05:40:00 PM	10	1	0	0	0	0	1	0	1	10	9	0	1	6	0	0	106	406
05:45:00 PM	3	1	0	0	0	1	2	0	1	11	10	0	1	6	1	0	110	414
05:50:00 PM	2	0	0	0	0	0	1	0	0	7	5	0	1	3	0	0	95	404
05:55:00 PM	2	1	0	0	0	0	0	0	0	11	8	0	0	6	0	0	84	389

Bicycles on Road

Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR
	NE 7th St				NE 7th St				NE Oak St				NE Oak St					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
04:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Passenger vehicles and light trucks

Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR	
	NE 7th St				NE 7th St				NE Oak St				NE Oak St						
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum	
04:00:00 PM	3	2	1	0	0	1	1	0	0	0	3	3	0	1	5	0	0		
04:05:00 PM	9	0	0	0	0	1	0	0	0	1	7	7	0	2	6	0	0		
04:10:00 PM	3	0	1	0	0	1	0	0	0	0	9	8	0	1	8	0	0	84	
04:15:00 PM	1	0	1	0	0	1	0	0	0	1	13	6	0	1	3	0	0	91	
04:20:00 PM	2	1	2	0	1	2	0	0	0	0	5	3	0	2	7	0	0	83	
04:25:00 PM	1	0	2	0	0	0	0	0	0	1	8	4	0	1	6	1	0	76	
04:30:00 PM	4	1	1	0	0	0	0	0	0	0	3	3	0	1	11	0	0	73	
04:35:00 PM	4	1	0	0	0	0	0	0	0	1	7	8	0	0	6	0	0	75	
04:40:00 PM	6	0	0	0	0	0	0	0	0	0	5	7	0	3	9	0	0	81	
04:45:00 PM	4	2	2	0	0	0	0	0	0	0	7	6	0	0	8	0	0	86	
04:50:00 PM	1	0	0	0	0	1	0	0	0	0	14	5	0	1	7	0	0	88	
04:55:00 PM	3	3	3	0	0	0	1	0	0	0	13	6	0	2	8	0	0	97	338
05:00:00 PM	5	2	2	0	0	0	0	0	0	1	10	4	0	0	8	1	0	101	351
05:05:00 PM	3	1	2	0	0	2	0	0	0	0	11	6	0	3	8	0	0	108	354
05:10:00 PM	5	1	1	0	0	0	0	0	0	0	9	4	0	6	10	0	0	105	359



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05:15:00 PM	5	0	3	0	0	2	0	0	0	0	3	4	0	1	3	0	0	93	353
05:20:00 PM	6	1	2	0	0	1	0	0	0	0	6	14	0	0	10	0	0	97	368
05:25:00 PM	3	2	0	0	0	0	0	0	0	1	5	10	0	3	5	0	0	90	373
05:30:00 PM	6	0	0	0	0	3	0	0	0	0	8	7	0	1	7	0	0	101	381
05:35:00 PM	4	0	0	0	0	1	0	0	0	1	10	12	0	0	6	0	0	95	388
05:40:00 PM	10	1	0	0	0	0	1	0	0	1	10	9	0	1	6	0	0	105	397
05:45:00 PM	3	1	0	0	0	1	2	0	0	1	10	10	0	1	6	1	0	109	404
05:50:00 PM	2	0	0	0	0	0	1	0	0	0	7	5	0	1	3	0	0	94	394
05:55:00 PM	2	1	0	0	0	0	0	0	0	0	11	8	0	0	6	0	0	83	383

FHWA 4-13 -Truck/Multi-Unit/Heavy Trucks

Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR	
	NE 7th St				NE 7th St				NE Oak St				NE Oak St						
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn			Sum
04:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0		
04:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0		
04:10:00 PM	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	0	9	
04:15:00 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	6	
04:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
04:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
04:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	2	
04:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
04:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
04:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:55:00 PM	0	1	0	0	0	1	0	0	0	0	0	1	0	0	1	0	0	4	16
05:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	6	14
05:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	12
05:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	9
05:15:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	9
05:20:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	10
05:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	10
05:30:00 PM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	11
05:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	9
05:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	9
05:45:00 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	10
05:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	10
05:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	6

Pedestrians Crossing

Time	Pedestrians Crossing				15 Min	1 HR
	NB	SB	EB	WB		
04:00:00 PM	0	0	0	0		
04:05:00 PM	0	0	0	0		
04:10:00 PM	0	0	0	0	0	
04:15:00 PM	0	0	0	0	0	
04:20:00 PM	0	0	0	0	0	
04:25:00 PM	0	0	0	0	0	
04:30:00 PM	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	

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04:40:00 PM	0	0	0	0	0
04:45:00 PM	0	0	0	0	0
04:50:00 PM	0	0	0	0	0
04:55:00 PM	0	1	0	0	1 1
05:00:00 PM	0	0	0	0	1 1
05:05:00 PM	0	0	0	0	1 1
05:10:00 PM	0	0	0	0	0 1
05:15:00 PM	0	0	0	0	0 1
05:20:00 PM	0	0	0	0	0 1
05:25:00 PM	0	0	0	0	0 1
05:30:00 PM	0	0	0	0	0 1
05:35:00 PM	0	0	0	0	0 1
05:40:00 PM	0	0	0	0	0 1
05:45:00 PM	0	0	0	0	0 1
05:50:00 PM	0	0	0	0	0 1
05:55:00 PM	0	0	0	1	1 1

Transight Consulting

N/S street:	NE 10th St
E/W street:	NE Oak St
	NE 10th St at NE Oak St
City, State	Madras OR
Study ID #	113
Location	
Start Date	Wednesday, August 09, 2023
Start Time	07:00:00 AM
Peak Hour Start	07:45:00 AM
Peak 15 Min Start	07:45:00 AM
PHF (15-Min Int)	0.88

Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

Percent Heavy Vehicles																							

PHV - Bicycles																PHV - Pedestrians					
Northbound				Southbound				Eastbound				Westbound				Sum	in Crosswalk				Sum
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	NB	SB	EB	WB	Sum
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

All Vehicle Volumes																		
Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR
	NE 10th St				NE 10th St				NE Oak St				NE Oak St					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
07:00:00 AM	0	0	1	0	1	0	0	0	0	3	0	0	0	2	1	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	4	0	0	0	3	0	0		
07:10:00 AM	0	0	0	0	0	0	2	0	0	3	0	0	0	2	0	0	22	
07:15:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	4	0	0	19	
07:20:00 AM	0	0	0	0	0	0	1	0	0	2	0	0	0	9	0	0	24	
07:25:00 AM	0	0	0	0	0	0	0	0	0	3	1	0	0	5	0	0	26	
07:30:00 AM	0	0	0	0	0	0	0	0	0	2	0	0	0	9	0	0	32	
07:35:00 AM	0	0	0	0	0	0	1	0	0	2	0	0	0	1	0	0	24	
07:40:00 AM	0	0	0	0	0	0	1	0	1	3	0	0	0	4	1	0	25	
07:45:00 AM	0	0	0	0	0	0	2	0	0	6	1	0	0	9	1	0	33	
07:50:00 AM	0	0	0	0	1	0	0	0	1	7	0	0	0	4	0	0	42	
07:55:00 AM	0	0	0	0	0	0	1	0	0	8	0	0	0	4	1	0	46	119
08:00:00 AM	0	0	0	0	0	0	0	0	1	2	0	0	0	7	1	0	38	122
08:05:00 AM	1	0	0	0	1	0	1	0	0	4	1	0	0	3	0	0	36	126
08:10:00 AM	0	0	0	0	0	0	0	0	0	8	0	0	0	4	0	0	34	131
08:15:00 AM	0	0	0	0	0	0	1	0	1	6	0	0	0	7	0	0	38	141
08:20:00 AM	0	0	0	0	0	0	2	0	1	6	0	0	0	3	1	0	40	142
08:25:00 AM	0	0	0	0	1	0	2	0	0	6	0	0	0	7	0	0	44	149
08:30:00 AM	1	0	0	0	0	0	2	0	1	10	0	0	0	1	0	0	44	153
08:35:00 AM	0	0	0	0	0	0	0	0	0	8	0	0	0	1	1	0	41	159
08:40:00 AM	0	0	0	0	2	0	1	0	1	4	0	0	0	4	0	0	37	161
08:45:00 AM	0	0	0	0	1	0	0	0	0	5	0	0	0	4	1	0	33	153
08:50:00 AM	1	0	0	0	2	0	0	0	1	2	1	0	0	7	2	0	39	156
08:55:00 AM	1	0	0	0	1	1	2	0	0	6	0	0	0	7	1	0	46	161

Bicycles on Road

Transight Consulting

Time	Northbound				Southbound				Eastbound				Westbound				15 Min 1 HR	
	NE 10th St				NE 10th St				NE Oak St				NE Oak St				Sum	Sum
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		
07:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	
07:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
08:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
08:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Passenger vehicles and light trucks

Time	Northbound				Southbound				Eastbound				Westbound				15 Min 1 HR	
	NE 10th St				NE 10th St				NE Oak St				NE Oak St				Sum	Sum
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		
07:00:00 AM	0	0	1	0	1	0	0	0	0	3	0	0	0	2	1	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	4	0	0	0	3	0	0		
07:10:00 AM	0	0	0	0	0	0	2	0	0	3	0	0	0	2	0	0	22	
07:15:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	4	0	0	19	
07:20:00 AM	0	0	0	0	0	0	1	0	0	2	0	0	0	7	0	0	22	
07:25:00 AM	0	0	0	0	0	0	0	0	0	3	1	0	0	5	0	0	24	
07:30:00 AM	0	0	0	0	0	0	0	0	0	2	0	0	0	9	0	0	30	
07:35:00 AM	0	0	0	0	0	0	1	0	0	2	0	0	0	1	0	0	24	
07:40:00 AM	0	0	0	0	0	0	1	0	1	3	0	0	0	4	1	0	25	
07:45:00 AM	0	0	0	0	0	0	2	0	0	6	1	0	0	9	1	0	33	
07:50:00 AM	0	0	0	0	1	0	0	0	1	7	0	0	0	4	0	0	42	
07:55:00 AM	0	0	0	0	0	0	1	0	0	6	0	0	0	4	1	0	44	115
08:00:00 AM	0	0	0	0	0	0	0	0	1	2	0	0	0	7	1	0	36	118
08:05:00 AM	1	0	0	0	1	0	1	0	0	4	1	0	0	3	0	0	34	122
08:10:00 AM	0	0	0	0	0	0	0	0	0	8	0	0	0	4	0	0	34	127
08:15:00 AM	0	0	0	0	0	0	1	0	0	5	0	0	0	7	0	0	36	135
08:20:00 AM	0	0	0	0	0	0	2	0	1	5	0	0	0	3	1	0	37	137

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08:25:00 AM	0	0	0	0	1	0	2	0	0	6	0	0	0	7	0	0	41	144
08:30:00 AM	1	0	0	0	0	0	2	0	1	10	0	0	0	1	0	0	43	148
08:35:00 AM	0	0	0	0	0	0	0	0	0	8	0	0	0	1	1	0	41	154
08:40:00 AM	0	0	0	0	2	0	1	0	1	3	0	0	0	4	0	0	36	155
08:45:00 AM	0	0	0	0	1	0	0	0	0	5	0	0	0	4	1	0	32	147
08:50:00 AM	1	0	0	0	2	0	0	0	1	2	1	0	0	7	1	0	37	149
08:55:00 AM	1	0	0	0	1	1	2	0	0	6	0	0	0	7	0	0	44	155

FHWA 4-13 -Truck/Multi-Unit/Heavy Trucks

Time	Northbound				Southbound				Eastbound				Westbound				15 Min 1 HR	
	NE 10th St				NE 10th St				NE Oak St				NE Oak St				Sum	Sum
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum		
07:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	
07:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
07:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
07:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:55:00 AM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2	4
08:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	4
08:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	4
08:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
08:15:00 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2	6
08:20:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	3	5
08:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	5
08:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	5
08:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
08:40:00 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	6
08:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	6
08:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	7
08:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	6

Pedestrians Crossing

Time	Pedestrians Crossing				15 Min 1 HR	
	NB	SB	EB	WB	Sum	Sum
07:00:00 AM	0	0	0	0		
07:05:00 AM	0	0	0	0		
07:10:00 AM	0	0	0	0	0	
07:15:00 AM	0	0	0	0	0	
07:20:00 AM	0	0	0	0	0	
07:25:00 AM	0	0	0	0	0	
07:30:00 AM	0	0	0	0	0	
07:35:00 AM	0	0	0	0	0	
07:40:00 AM	0	0	0	0	0	
07:45:00 AM	1	0	0	0	1	
07:50:00 AM	0	0	0	0	1	

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07:55:00 AM	0	0	0	0	1	1
08:00:00 AM	0	0	0	0	0	1
08:05:00 AM	0	0	0	0	0	1
08:10:00 AM	0	0	0	0	0	1
08:15:00 AM	0	0	0	0	0	1
08:20:00 AM	0	0	0	0	0	1
08:25:00 AM	0	2	0	1	3	4
08:30:00 AM	0	0	0	0	3	4
08:35:00 AM	0	2	0	0	5	6
08:40:00 AM	0	0	0	0	2	6
08:45:00 AM	0	1	0	0	3	6
08:50:00 AM	0	0	1	0	2	7
08:55:00 AM	0	0	0	0	2	7

Transight Consulting

N/S street:	NE 10th St
E/W street:	NE Oak St
	NE 10th St at NE Oak St
City, State	Madras OR
Study ID #	113
Location	
Start Date	Wednesday, August 09, 2023
Start Time	04:00:00 PM
Peak Hour Start	04:10:00 PM
Peak 15 Min Start	04:55:00 PM
PHF (15-Min Int)	0.80

Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

Percent Heavy Vehicles																							

PHV- Bicycles																PHV - Pedestrians					
Northbound				Southbound				Eastbound				Westbound				in Crosswalk				Sum	
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	NB	SB	EB	WB	Sum
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

All Vehicle Volumes																		
Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR
	NE 10th St				NE 10th St				NE Oak St				NE Oak St					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
04:00:00 PM	0	0	0	0	0	0	0	0	1	3	0	0	0	8	0	0		
04:05:00 PM	1	1	0	0	2	0	1	0	1	8	0	0	0	7	1	0		
04:10:00 PM	0	0	1	0	1	0	3	0	2	8	0	0	0	7	1	0	57	
04:15:00 PM	0	0	0	0	1	0	1	0	3	14	1	0	0	1	4	0	70	
04:20:00 PM	1	0	0	0	1	0	2	0	2	8	0	0	0	6	1	0	69	
04:25:00 PM	2	1	0	0	0	0	0	0	2	7	0	0	2	5	1	0	66	
04:30:00 PM	0	0	0	0	0	0	0	0	2	1	0	0	1	12	1	0	58	
04:35:00 PM	1	0	0	0	2	0	2	0	1	4	0	0	0	4	0	0	51	
04:40:00 PM	1	1	0	0	1	0	2	0	0	5	0	0	0	8	1	0	50	
04:45:00 PM	0	0	0	0	2	0	2	0	0	8	0	0	0	6	2	0	53	
04:50:00 PM	0	0	1	0	0	0	1	0	0	12	0	0	0	9	0	0	62	
04:55:00 PM	1	0	0	0	0	0	1	0	2	11	1	0	0	9	1	0	69	242
05:00:00 PM	1	0	0	0	2	1	2	0	3	9	0	0	0	10	1	0	78	259
05:05:00 PM	2	0	0	0	2	0	2	0	3	8	2	0	0	8	0	0	82	264
05:10:00 PM	1	0	0	0	0	0	2	0	2	4	0	0	0	10	1	0	76	261
05:15:00 PM	0	0	0	0	1	0	2	0	1	3	1	0	0	6	3	0	64	253
05:20:00 PM	1	0	0	0	0	0	0	0	3	11	1	0	0	7	0	0	60	255
05:25:00 PM	0	0	0	0	1	0	1	0	0	4	0	0	0	8	0	0	54	249
05:30:00 PM	2	0	0	0	0	0	2	0	1	7	0	0	0	7	1	0	57	252
05:35:00 PM	0	0	0	0	0	0	1	0	2	8	1	0	0	2	1	0	49	253
05:40:00 PM	0	0	0	0	1	0	1	0	1	4	0	0	0	6	0	0	48	247
05:45:00 PM	1	0	0	0	1	1	0	0	1	9	1	0	0	7	2	0	51	250
05:50:00 PM	0	0	0	0	1	0	0	0	1	2	1	0	0	5	2	0	48	239
05:55:00 PM	0	0	0	0	0	0	0	0	0	10	0	0	0	5	1	0	51	229

Bicycles on Road

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Time	Northbound NE 10th St				Southbound NE 10th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
04:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:40:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
04:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
04:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
04:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Passenger vehicles and light trucks

Time	Northbound NE 10th St				Southbound NE 10th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
04:00:00 PM	0	0	0	0	0	0	0	0	1	3	0	0	0	8	0	0		
04:05:00 PM	1	1	0	0	2	0	1	0	1	8	0	0	0	7	1	0		
04:10:00 PM	0	0	1	0	1	0	3	0	2	8	0	0	0	7	1	0	57	
04:15:00 PM	0	0	0	0	1	0	1	0	3	13	1	0	0	1	4	0	69	
04:20:00 PM	1	0	0	0	1	0	2	0	2	8	0	0	0	6	1	0	68	
04:25:00 PM	2	1	0	0	0	0	0	0	2	7	0	0	2	5	1	0	65	
04:30:00 PM	0	0	0	0	0	0	0	0	2	1	0	0	1	12	1	0	58	
04:35:00 PM	1	0	0	0	2	0	2	0	1	4	0	0	0	3	0	0	50	
04:40:00 PM	1	1	0	0	1	0	2	0	0	5	0	0	0	8	1	0	49	
04:45:00 PM	0	0	0	0	2	0	2	0	0	8	0	0	0	6	2	0	52	
04:50:00 PM	0	0	1	0	0	0	1	0	0	12	0	0	0	9	0	0	62	
04:55:00 PM	1	0	0	0	0	0	1	0	2	11	1	0	0	9	1	0	69	240
05:00:00 PM	1	0	0	0	2	1	2	0	3	9	0	0	0	10	1	0	78	257
05:05:00 PM	2	0	0	0	2	0	2	0	3	8	2	0	0	8	0	0	82	262
05:10:00 PM	1	0	0	0	0	0	2	0	2	4	0	0	0	10	1	0	76	259
05:15:00 PM	0	0	0	0	1	0	2	0	1	3	1	0	0	6	3	0	64	252
05:20:00 PM	1	0	0	0	0	0	0	0	3	11	1	0	0	7	0	0	60	254



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05:25:00 PM	0	0	0	0	1	0	1	0	0	4	0	0	0	8	0	0	54	248
05:30:00 PM	2	0	0	0	0	0	2	0	1	7	0	0	0	7	1	0	57	251
05:35:00 PM	0	0	0	0	0	0	1	0	2	8	1	0	0	2	1	0	49	253
05:40:00 PM	0	0	0	0	1	0	1	0	1	4	0	0	0	6	0	0	48	247
05:45:00 PM	1	0	0	0	1	1	0	0	1	9	1	0	0	7	2	0	51	250
05:50:00 PM	0	0	0	0	1	0	0	0	1	2	1	0	0	5	2	0	48	239
05:55:00 PM	0	0	0	0	0	0	0	0	0	10	0	0	0	5	1	0	51	229

FHWA 4-13 -Truck/Multi-Unit/Heavy Trucks

Time	Northbound				Southbound				Eastbound				Westbound				15 Min 1 HR	
	NE 10th St				NE 10th St				NE Oak St				NE Oak St				Sum	Sum
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum		
04:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:15:00 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
04:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
04:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
05:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
05:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
05:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
05:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Pedestrians Crossing

Time	Pedestrians Crossing				15 Min 1 HR	
	NB	SB	EB	WB	Sum	Sum
04:00:00 PM	0	0	0	0		
04:05:00 PM	0	0	1	0		
04:10:00 PM	0	0	0	0	1	
04:15:00 PM	0	0	0	0	1	
04:20:00 PM	0	0	0	0	0	
04:25:00 PM	0	0	0	0	0	
04:30:00 PM	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	
04:40:00 PM	0	0	1	0	1	
04:45:00 PM	0	0	0	0	1	
04:50:00 PM	0	0	0	0	1	

Transight Consulting

04:55:00 PM	0	1	0	0	1	3
05:00:00 PM	0	0	0	0	1	3
05:05:00 PM	0	0	0	0	1	2
05:10:00 PM	0	0	0	0	0	2
05:15:00 PM	0	0	0	0	0	2
05:20:00 PM	0	0	0	0	0	2
05:25:00 PM	0	0	0	0	0	2
05:30:00 PM	0	0	0	0	0	2
05:35:00 PM	0	0	0	0	0	2
05:40:00 PM	0	0	0	0	0	1
05:45:00 PM	0	0	0	0	0	1
05:50:00 PM	0	0	0	0	0	1
05:55:00 PM	0	0	0	0	0	0

Transight Consulting

N/S street:	NE 12th St
E/W street:	NE Oak St
	NE 12th St at NE Oak St
City, State	Madras OR
Study ID #	113
Location	
Start Date	Wednesday, August 09, 2023
Start Time	07:00:00 AM
Peak Hour Start	07:45:00 AM
Peak 15 Min Start	07:45:00 AM
PHF (15-Min Int)	0.75

Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

Percent Heavy Vehicles																							

PHV - Bicycles																PHV - Pedestrians					
Northbound				Southbound				Eastbound				Westbound				Sum	in Crosswalk				Sum
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	NB	SB	EB	WB	Sum
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

All Vehicle Volumes																		
Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR
	NE 12th St				NE 12th St				NE Oak St				NE Oak St					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
07:00:00 AM	0	0	1	0	0	0	0	0	0	3	2	0	1	2	0	0		
07:05:00 AM	0	0	2	0	0	0	0	0	0	4	1	0	0	2	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	2	0	0	1	2	0	0	23	
07:15:00 AM	1	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	18	
07:20:00 AM	0	0	0	0	0	0	0	0	0	3	0	0	0	7	0	0	19	
07:25:00 AM	2	0	2	0	0	0	0	0	0	1	1	0	0	4	0	0	24	
07:30:00 AM	1	0	0	0	0	0	0	0	0	0	1	0	0	7	0	0	29	
07:35:00 AM	0	0	1	0	0	0	0	0	0	1	1	0	1	1	0	0	24	
07:40:00 AM	1	0	0	0	0	0	0	0	0	0	1	0	0	4	0	0	20	
07:45:00 AM	2	0	0	0	0	0	0	0	0	6	0	0	0	7	0	0	26	
07:50:00 AM	1	0	0	0	0	0	0	0	0	5	2	0	0	5	0	0	34	
07:55:00 AM	0	0	1	0	0	0	0	0	0	6	2	0	0	6	0	0	43	110
08:00:00 AM	1	0	1	0	0	0	0	0	0	1	1	0	1	4	0	0	37	110
08:05:00 AM	0	0	0	0	0	0	0	0	0	4	0	0	0	4	0	0	32	109
08:10:00 AM	1	0	0	0	0	0	0	0	0	6	1	0	1	1	0	0	27	114
08:15:00 AM	1	0	0	0	0	0	0	0	0	3	0	0	0	4	0	0	26	118
08:20:00 AM	0	0	0	0	0	0	0	0	0	6	1	0	0	4	0	0	29	119
08:25:00 AM	1	0	0	0	0	0	0	0	0	4	2	0	0	4	0	0	30	120
08:30:00 AM	0	0	0	0	0	0	0	0	0	6	3	0	0	1	0	0	32	121
08:35:00 AM	0	0	0	0	0	0	0	0	0	5	3	0	1	2	0	0	32	127
08:40:00 AM	1	0	1	0	0	0	0	0	0	4	1	0	0	1	0	0	29	129
08:45:00 AM	0	0	0	0	0	0	0	0	0	4	1	0	1	5	0	0	30	125
08:50:00 AM	1	0	0	0	0	0	0	0	0	3	1	0	0	7	0	0	31	124
08:55:00 AM	0	0	2	0	0	0	0	0	0	3	4	0	0	7	0	0	39	125

Bicycles on Road

Transight Consulting

Time	Northbound NE 12th St				Southbound NE 12th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Sum	Sum
07:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Passenger vehicles and light trucks

Time	Northbound NE 12th St				Southbound NE 12th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Sum	Sum
07:00:00 AM	0	0	1	0	0	0	0	0	0	3	2	0	1	2	0	0		
07:05:00 AM	0	0	2	0	0	0	0	0	0	4	1	0	0	2	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	2	0	0	1	2	0	0	23	
07:15:00 AM	1	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	18	
07:20:00 AM	0	0	0	0	0	0	0	0	0	3	0	0	0	6	0	0	18	
07:25:00 AM	2	0	2	0	0	0	0	0	0	1	1	0	0	3	0	0	22	
07:30:00 AM	1	0	0	0	0	0	0	0	0	0	1	0	0	7	0	0	27	
07:35:00 AM	0	0	1	0	0	0	0	0	0	1	1	0	1	1	0	0	23	
07:40:00 AM	1	0	0	0	0	0	0	0	0	0	1	0	0	4	0	0	20	
07:45:00 AM	2	0	0	0	0	0	0	0	0	6	0	0	0	7	0	0	26	
07:50:00 AM	1	0	0	0	0	0	0	0	0	5	2	0	0	4	0	0	33	
07:55:00 AM	0	0	1	0	0	0	0	0	0	4	2	0	0	5	0	0	39	104
08:00:00 AM	1	0	1	0	0	0	0	0	0	1	1	0	1	4	0	0	33	104
08:05:00 AM	0	0	0	0	0	0	0	0	0	4	0	0	0	4	0	0	29	103
08:10:00 AM	1	0	0	0	0	0	0	0	0	6	1	0	1	1	0	0	27	108
08:15:00 AM	1	0	0	0	0	0	0	0	0	3	0	0	0	4	0	0	26	112
08:20:00 AM	0	0	0	0	0	0	0	0	0	4	1	0	0	4	0	0	27	112

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08:25:00 AM	1	0	0	0	0	0	0	0	0	0	4	2	0	0	4	0	0	28	114
08:30:00 AM	0	0	0	0	0	0	0	0	0	0	6	3	0	0	1	0	0	30	115
08:35:00 AM	0	0	0	0	0	0	0	0	0	0	5	3	0	1	2	0	0	32	121
08:40:00 AM	1	0	1	0	0	0	0	0	0	0	4	1	0	0	1	0	0	29	123
08:45:00 AM	0	0	0	0	0	0	0	0	0	0	3	1	0	1	5	0	0	29	118
08:50:00 AM	1	0	0	0	0	0	0	0	0	0	3	1	0	0	7	0	0	30	118
08:55:00 AM	0	0	2	0	0	0	0	0	0	0	3	4	0	0	7	0	0	38	122

FHWA 4-13 -Truck/Multi-Unit/Heavy Trucks

Time	Northbound NE 12th St				Southbound NE 12th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min 1 HR		
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Sum	Sum	
07:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
07:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:20:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
07:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	2	
07:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
07:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
07:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:45:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
07:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
07:55:00 AM	0	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	4	6
08:00:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	6
08:05:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	6
08:10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
08:15:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
08:20:00 AM	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2	7
08:25:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	6
08:30:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	6
08:35:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
08:40:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
08:45:00 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	7
08:50:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	6
08:55:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3

Pedestrians Crossing				15 Min 1 HR		
Time	NB	SB	EB	WB	Sum	Sum
07:00:00 AM	0	0	0	0		
07:05:00 AM	0	0	0	1		
07:10:00 AM	0	0	0	0	1	
07:15:00 AM	0	0	0	0	1	
07:20:00 AM	0	0	0	0	0	
07:25:00 AM	0	0	0	0	0	
07:30:00 AM	0	0	0	0	0	
07:35:00 AM	0	0	0	0	0	
07:40:00 AM	0	0	0	0	0	
07:45:00 AM	1	0	0	0	1	
07:50:00 AM	0	0	0	0	1	

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07:55:00 AM	0	0	0	0	1	2
08:00:00 AM	0	0	0	0	0	2
08:05:00 AM	0	0	0	0	0	1
08:10:00 AM	0	0	0	0	0	1
08:15:00 AM	0	0	0	0	0	1
08:20:00 AM	0	0	0	0	0	1
08:25:00 AM	0	0	0	2	2	3
08:30:00 AM	0	0	0	1	3	4
08:35:00 AM	0	0	2	2	7	8
08:40:00 AM	0	0	0	5	10	13
08:45:00 AM	1	0	0	1	11	14
08:50:00 AM	0	0	0	0	7	14
08:55:00 AM	0	0	0	0	2	14

Transight Consulting

N/S street:	NE 12th St
E/W street:	NE Oak St
	NE 12th St at NE Oak St
City, State	Madras OR
Study ID #	113
Location	
Start Date	Wednesday, August 09, 2023
Start Time	04:00:00 PM
Peak Hour Start	04:40:00 PM
Peak 15 Min Start	04:55:00 PM
PHF (15-Min Int)	0.77

Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

Percent Heavy Vehicles																							

PHV - Bicycles																PHV - Pedestrians					
Northbound				Southbound				Eastbound				Westbound				Sum	in Crosswalk				Sum
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	NB	SB	EB	WB	Sum
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

All Vehicle Volumes																		
Time	Northbound				Southbound				Eastbound				Westbound				15 Min	1 HR
	NE 12th St				NE 12th St				NE Oak St				NE Oak St					
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	Sum
04:00:00 PM	3	0	1	0	0	0	0	0	0	2	1	0	1	6	0	0		
04:05:00 PM	2	0	1	0	0	0	0	0	0	4	2	0	1	4	0	0		
04:10:00 PM	2	0	0	0	0	0	0	0	0	6	2	0	0	4	0	0	42	
04:15:00 PM	2	0	0	0	0	0	0	0	0	12	2	0	0	1	0	0	45	
04:20:00 PM	2	0	0	0	0	0	0	0	0	3	2	0	1	4	0	0	43	
04:25:00 PM	1	0	1	0	0	0	0	0	0	4	2	0	0	5	0	0	42	
04:30:00 PM	1	0	4	0	0	0	0	0	0	1	2	0	0	7	0	0	40	
04:35:00 PM	0	0	0	0	0	0	0	0	0	2	1	0	2	3	0	0	36	
04:40:00 PM	8	0	0	0	0	0	0	0	0	3	3	0	0	0	0	0	37	
04:45:00 PM	2	0	1	0	0	0	0	0	0	7	2	0	1	5	0	0	40	
04:50:00 PM	2	0	0	0	0	0	0	0	0	8	2	0	1	3	0	0	48	
04:55:00 PM	0	0	4	0	0	0	0	0	0	6	4	0	1	9	0	0	58	179
05:00:00 PM	1	0	3	0	0	0	0	0	0	9	1	0	0	7	0	0	61	186
05:05:00 PM	3	0	1	0	0	0	0	0	0	9	0	0	1	5	0	0	64	191
05:10:00 PM	3	0	1	0	0	0	0	0	0	3	2	0	1	7	0	0	57	194
05:15:00 PM	2	0	1	0	0	0	0	0	0	3	0	0	2	4	0	0	48	189
05:20:00 PM	1	0	1	0	0	0	0	0	0	6	2	0	1	4	0	0	44	192
05:25:00 PM	2	0	1	0	0	0	0	0	0	2	1	0	1	3	0	0	37	189
05:30:00 PM	2	0	3	0	0	0	0	0	0	6	1	0	1	4	0	0	42	191
05:35:00 PM	0	0	2	0	0	0	0	0	0	4	5	0	1	1	0	0	40	196
05:40:00 PM	1	0	2	0	0	0	0	0	0	2	3	0	0	4	0	0	42	194
05:45:00 PM	0	0	1	0	0	0	0	0	0	8	1	0	0	7	0	0	42	193
05:50:00 PM	2	0	0	0	0	0	0	0	0	2	1	0	1	5	0	0	40	188
05:55:00 PM	1	0	3	0	0	0	0	0	0	6	0	0	0	4	0	0	42	178

Bicycles on Road

Transight Consulting

Time	Northbound NE 12th St				Southbound NE 12th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Sum	Sum
04:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Passenger vehicles and light trucks

Time	Northbound NE 12th St				Southbound NE 12th St				Eastbound NE Oak St				Westbound NE Oak St				15 Min	1 HR
	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Left	Thru	Right	Utum	Sum	Sum
04:00:00 PM	3	0	1	0	0	0	0	0	0	2	1	0	1	6	0	0		
04:05:00 PM	2	0	1	0	0	0	0	0	0	4	2	0	1	4	0	0		
04:10:00 PM	2	0	0	0	0	0	0	0	0	6	2	0	0	4	0	0	42	
04:15:00 PM	2	0	0	0	0	0	0	0	0	11	2	0	0	1	0	0	44	
04:20:00 PM	2	0	0	0	0	0	0	0	0	3	2	0	1	4	0	0	42	
04:25:00 PM	1	0	1	0	0	0	0	0	0	4	2	0	0	5	0	0	41	
04:30:00 PM	1	0	4	0	0	0	0	0	0	1	2	0	0	7	0	0	40	
04:35:00 PM	0	0	0	0	0	0	0	0	0	2	1	0	2	3	0	0	36	
04:40:00 PM	8	0	0	0	0	0	0	0	0	3	3	0	0	0	0	0	37	
04:45:00 PM	2	0	1	0	0	0	0	0	0	7	2	0	1	5	0	0	40	
04:50:00 PM	2	0	0	0	0	0	0	0	0	8	2	0	1	3	0	0	48	
04:55:00 PM	0	0	4	0	0	0	0	0	0	6	4	0	1	9	0	0	58	178
05:00:00 PM	1	0	3	0	0	0	0	0	0	9	1	0	0	7	0	0	61	185
05:05:00 PM	3	0	1	0	0	0	0	0	0	9	0	0	1	5	0	0	64	190
05:10:00 PM	3	0	1	0	0	0	0	0	0	3	2	0	1	7	0	0	57	193
05:15:00 PM	2	0	1	0	0	0	0	0	0	3	0	0	2	4	0	0	48	189
05:20:00 PM	1	0	1	0	0	0	0	0	0	6	2	0	1	4	0	0	44	192



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05:25:00 PM	2	0	1	0	0	0	0	0	0	0	2	1	0	1	3	0	0	37	189
05:30:00 PM	2	0	3	0	0	0	0	0	0	0	6	1	0	1	4	0	0	42	191
05:35:00 PM	0	0	2	0	0	0	0	0	0	0	4	5	0	1	1	0	0	40	196
05:40:00 PM	1	0	2	0	0	0	0	0	0	0	2	3	0	0	4	0	0	42	194
05:45:00 PM	0	0	1	0	0	0	0	0	0	0	8	1	0	0	7	0	0	42	193
05:50:00 PM	2	0	0	0	0	0	0	0	0	0	2	1	0	1	5	0	0	40	188
05:55:00 PM	1	0	3	0	0	0	0	0	0	0	6	0	0	0	4	0	0	42	178

FHWA 4-13 -Truck/Multi-Unit/Heavy Trucks

Time	Northbound				Southbound				Eastbound				Westbound				15 Min 1 HR		
	NE 12th St				NE 12th St				NE Oak St				NE Oak St				Sum	Sum	
	Left	Thru	Right	Uturm	Left	Thru	Right	Uturm	Left	Thru	Right	Uturm	Left	Thru	Right	Uturm			
04:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
04:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:15:00 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
04:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
04:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
04:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
04:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
05:15:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:20:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:25:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:30:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:35:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:40:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:45:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:50:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:55:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Pedestrians Crossing					15 Min 1 HR	
Time	NB	SB	EB	WB	Sum	Sum
04:00:00 PM	0	0	0	0		
04:05:00 PM	0	0	0	0		
04:10:00 PM	0	0	0	0	0	
04:15:00 PM	0	0	0	0	0	
04:20:00 PM	0	0	0	0	0	
04:25:00 PM	0	0	0	0	0	
04:30:00 PM	0	0	0	0	0	
04:35:00 PM	0	0	0	0	0	
04:40:00 PM	0	0	0	0	0	
04:45:00 PM	0	0	0	0	0	
04:50:00 PM	0	0	0	0	0	

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04:55:00 PM	0	0	0	0	0	0
05:00:00 PM	0	0	0	0	0	0
05:05:00 PM	0	0	0	0	0	0
05:10:00 PM	0	0	0	0	0	0
05:15:00 PM	0	0	0	0	0	0
05:20:00 PM	0	0	0	0	0	0
05:25:00 PM	0	0	0	0	0	0
05:30:00 PM	0	0	0	0	0	0
05:35:00 PM	0	0	0	0	0	0
05:40:00 PM	0	0	0	0	0	0
05:45:00 PM	0	0	0	0	0	0
05:50:00 PM	2	0	0	0	2	2
05:55:00 PM	0	0	0	1	3	3

Intersection												
Int Delay, s/veh	2.7											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	72	31	12	53	1	30	2	6	1	5	5
Future Vol, veh/h	0	72	31	12	53	1	30	2	6	1	5	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	2	2	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	6	6	0	2	0	0	0	17	100	0	20
Mvmt Flow	0	86	37	14	63	1	36	2	7	1	6	6

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	64	0	0	123	0	0	203	197	107	203	215	64
Stage 1	-	-	-	-	-	-	105	105	-	92	92	-
Stage 2	-	-	-	-	-	-	98	92	-	111	123	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.37	8.1	6.5	6.4
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	7.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	7.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.453	4.4	4	3.48
Pot Cap-1 Maneuver	1551	-	-	1477	-	-	759	702	908	585	686	952
Stage 1	-	-	-	-	-	-	906	812	-	722	823	-
Stage 2	-	-	-	-	-	-	913	823	-	703	798	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1551	-	-	1477	-	-	744	695	906	573	679	952
Mov Cap-2 Maneuver	-	-	-	-	-	-	744	695	-	573	679	-
Stage 1	-	-	-	-	-	-	906	812	-	722	815	-
Stage 2	-	-	-	-	-	-	892	815	-	694	798	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			1.4			10			9.8		
HCM LOS							B			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	763	1551	-	-	1477	-	-	766
HCM Lane V/C Ratio	0.059	-	-	-	0.01	-	-	0.017
HCM Control Delay (s)	10	0	-	-	7.5	0	-	9.8
HCM Lane LOS	B	A	-	-	A	A	-	A
HCM 95th %tile Q(veh)	0.2	0	-	-	0	-	-	0.1

Intersection												
Int Delay, s/veh	1.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	6	75	2	0	54	5	2	0	0	5	0	12
Future Vol, veh/h	6	75	2	0	54	5	2	0	0	5	0	12
Conflicting Peds, #/hr	4	0	1	1	0	4	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	88	88	88	88	88	88
Heavy Vehicles, %	17	7	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	7	85	2	0	61	6	2	0	0	6	0	14

Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	71	0	0	88	0	0	172	172	88	169	170	68
Stage 1	-	-	-	-	-	-	101	101	-	68	68	-
Stage 2	-	-	-	-	-	-	71	71	-	101	102	-
Critical Hdwy	4.27	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.353	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1439	-	-	1520	-	-	796	725	976	799	727	1001
Stage 1	-	-	-	-	-	-	910	815	-	947	842	-
Stage 2	-	-	-	-	-	-	944	840	-	910	815	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1434	-	-	1519	-	-	782	718	974	792	720	997
Mov Cap-2 Maneuver	-	-	-	-	-	-	782	718	-	792	720	-
Stage 1	-	-	-	-	-	-	905	810	-	938	839	-
Stage 2	-	-	-	-	-	-	931	837	-	905	810	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.6	9
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	782	1434	-	-	1519	-	-	926
HCM Lane V/C Ratio	0.003	0.005	-	-	-	-	-	0.021
HCM Control Delay (s)	9.6	7.5	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1

Intersection						
Int Delay, s/veh	1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	56	16	3	43	8	3
Future Vol, veh/h	56	16	3	43	8	3
Conflicting Peds, #/hr	0	1	1	0	2	10
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	7	0	0	5	0	0
Mvmt Flow	75	21	4	57	11	4

Major/Minor	Major1	Major2	Minor1	Minor2	Minor3
Conflicting Flow All	0	0	97	0	154
Stage 1	-	-	-	-	87
Stage 2	-	-	-	-	67
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1509	-	842
Stage 1	-	-	-	-	941
Stage 2	-	-	-	-	961
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1508	-	837
Mov Cap-2 Maneuver	-	-	-	-	837
Stage 1	-	-	-	-	940
Stage 2	-	-	-	-	956

Approach	EB	WB	NB
HCM Control Delay, s	0	0.5	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	866	-	-	1508	-
HCM Lane V/C Ratio	0.017	-	-	0.003	-
HCM Control Delay (s)	9.2	-	-	7.4	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	-	-	0	-

Intersection												
Int Delay, s/veh	3.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	5	110	93	19	86	2	54	13	14	1	12	5
Future Vol, veh/h	5	110	93	19	86	2	54	13	14	1	12	5
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	0	1	2	0	2	0	0	8	7	100	8	20
Mvmt Flow	5	121	102	21	95	2	59	14	15	1	13	5

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	98	0	0	223	0	0	329	322	172	336	372	97
Stage 1	-	-	-	-	-	-	182	182	-	139	139	-
Stage 2	-	-	-	-	-	-	147	140	-	197	233	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.58	6.27	8.1	6.58	6.4
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.58	-	7.1	5.58	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.58	-	7.1	5.58	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4.072	3.363	4.4	4.072	3.48
Pot Cap-1 Maneuver	1508	-	-	1358	-	-	628	586	859	468	549	912
Stage 1	-	-	-	-	-	-	824	738	-	676	770	-
Stage 2	-	-	-	-	-	-	860	769	-	624	701	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1507	-	-	1358	-	-	604	574	859	444	537	911
Mov Cap-2 Maneuver	-	-	-	-	-	-	604	574	-	444	537	-
Stage 1	-	-	-	-	-	-	821	735	-	673	757	-
Stage 2	-	-	-	-	-	-	826	756	-	599	698	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.2			1.4			11.6			11.2		
HCM LOS							B			B		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	631	1507	-	-	1358	-	-	598
HCM Lane V/C Ratio	0.141	0.004	-	-	0.015	-	-	0.033
HCM Control Delay (s)	11.6	7.4	0	-	7.7	0	-	11.2
HCM Lane LOS	B	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.5	0	-	-	0	-	-	0.1

Intersection												
Int Delay, s/veh	2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	19	90	7	0	89	10	9	0	1	8	2	15
Future Vol, veh/h	19	90	7	0	89	10	9	0	1	8	2	15
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	76	76	76	76	76	76	76	76	76	76	76	76
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	25	118	9	0	117	13	12	0	1	11	3	20

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	131	0	0	127	0	0	308	304	123	298	302	125
Stage 1	-	-	-	-	-	-	173	173	-	125	125	-
Stage 2	-	-	-	-	-	-	135	131	-	173	177	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1467	-	-	1472	-	-	648	613	933	658	614	931
Stage 1	-	-	-	-	-	-	834	760	-	884	796	-
Stage 2	-	-	-	-	-	-	873	792	-	834	756	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1466	-	-	1472	-	-	623	601	933	647	602	930
Mov Cap-2 Maneuver	-	-	-	-	-	-	623	601	-	647	602	-
Stage 1	-	-	-	-	-	-	819	746	-	867	795	-
Stage 2	-	-	-	-	-	-	852	791	-	818	742	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.2	0	10.7	9.8
HCM LOS			B	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	644	1466	-	-	1472	-	-	786
HCM Lane V/C Ratio	0.02	0.017	-	-	-	-	-	0.042
HCM Control Delay (s)	10.7	7.5	0	-	0	-	-	9.8
HCM Lane LOS	B	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0.1	0.1	-	-	0	-	-	0.1

Intersection						
Int Delay, s/veh	2.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	66	22	10	58	17	20
Future Vol, veh/h	66	22	10	58	17	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	88	29	13	77	23	27

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	117	0	206
Stage 1	-	-	-	-	103
Stage 2	-	-	-	-	103
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1484	-	787
Stage 1	-	-	-	-	926
Stage 2	-	-	-	-	926
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1484	-	780
Mov Cap-2 Maneuver	-	-	-	-	780
Stage 1	-	-	-	-	926
Stage 2	-	-	-	-	918

Approach	EB	WB	NB
HCM Control Delay, s	0	1.1	9.4
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	867	-	-	1484	-
HCM Lane V/C Ratio	0.057	-	-	0.009	-
HCM Control Delay (s)	9.4	-	-	7.4	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.2	-	-	0	-



Intersection												
Int Delay, s/veh	2.7											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	76	33	13	56	1	32	2	6	1	5	5
Future Vol, veh/h	0	76	33	13	56	1	32	2	6	1	5	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	2	2	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	6	6	0	2	0	0	0	17	100	0	20
Mvmt Flow	0	90	39	15	67	1	38	2	7	1	6	6

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	68	0	0	129	0	0	214	208	112	214	227	68
Stage 1	-	-	-	-	-	-	110	110	-	98	98	-
Stage 2	-	-	-	-	-	-	104	98	-	116	129	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.37	8.1	6.5	6.4
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	7.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	7.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.453	4.4	4	3.48
Pot Cap-1 Maneuver	1546	-	-	1469	-	-	747	692	902	575	676	947
Stage 1	-	-	-	-	-	-	900	808	-	716	818	-
Stage 2	-	-	-	-	-	-	907	818	-	698	793	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1546	-	-	1469	-	-	731	684	900	563	669	947
Mov Cap-2 Maneuver	-	-	-	-	-	-	731	684	-	563	669	-
Stage 1	-	-	-	-	-	-	900	808	-	716	809	-
Stage 2	-	-	-	-	-	-	885	809	-	689	793	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			1.4			10.1			9.8		
HCM LOS							B			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	750	1546	-	-	1469	-	-	757
HCM Lane V/C Ratio	0.063	-	-	-	0.011	-	-	0.017
HCM Control Delay (s)	10.1	0	-	-	7.5	0	-	9.8
HCM Lane LOS	B	A	-	-	A	A	-	A
HCM 95th %tile Q(veh)	0.2	0	-	-	0	-	-	0.1

Intersection												
Int Delay, s/veh	1.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	6	79	2	0	57	5	2	0	0	5	0	13
Future Vol, veh/h	6	79	2	0	57	5	2	0	0	5	0	13
Conflicting Peds, #/hr	4	0	1	1	0	4	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	88	88	88	88	88	88
Heavy Vehicles, %	17	7	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	7	90	2	0	65	6	2	0	0	6	0	15

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	75	0	0	93	0	0	182	181	93	178	179	72
Stage 1	-	-	-	-	-	-	106	106	-	72	72	-
Stage 2	-	-	-	-	-	-	76	75	-	106	107	-
Critical Hdwy	4.27	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.353	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1434	-	-	1514	-	-	784	717	970	789	718	996
Stage 1	-	-	-	-	-	-	905	811	-	943	839	-
Stage 2	-	-	-	-	-	-	938	836	-	905	811	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1429	-	-	1513	-	-	768	710	968	782	711	992
Mov Cap-2 Maneuver	-	-	-	-	-	-	768	710	-	782	711	-
Stage 1	-	-	-	-	-	-	900	806	-	935	836	-
Stage 2	-	-	-	-	-	-	924	833	-	900	806	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.5			0			9.7			9		
HCM LOS							A			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	768	1429	-	-	1513	-	-	923
HCM Lane V/C Ratio	0.003	0.005	-	-	-	-	-	0.022
HCM Control Delay (s)	9.7	7.5	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1

Intersection						
Int Delay, s/veh	0.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	59	17	3	45	8	3
Future Vol, veh/h	59	17	3	45	8	3
Conflicting Peds, #/hr	0	1	1	0	2	10
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	7	0	0	5	0	0
Mvmt Flow	79	23	4	60	11	4

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	103	0	162
Stage 1	-	-	-	-	92
Stage 2	-	-	-	-	70
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1502	-	834
Stage 1	-	-	-	-	937
Stage 2	-	-	-	-	958
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1501	-	829
Mov Cap-2 Maneuver	-	-	-	-	829
Stage 1	-	-	-	-	936
Stage 2	-	-	-	-	953

Approach	EB	WB	NB
HCM Control Delay, s	0	0.5	9.3
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	859	-	-	1501	-
HCM Lane V/C Ratio	0.017	-	-	0.003	-
HCM Control Delay (s)	9.3	-	-	7.4	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	-	-	0	-

Intersection												
Int Delay, s/veh	3.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	5	116	98	20	91	2	57	14	15	1	13	5
Future Vol, veh/h	5	116	98	20	91	2	57	14	15	1	13	5
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	0	1	2	0	2	0	0	8	7	100	8	20
Mvmt Flow	5	127	108	22	100	2	63	15	16	1	14	5

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	103	0	0	235	0	0	346	338	181	353	391	102
Stage 1	-	-	-	-	-	-	191	191	-	146	146	-
Stage 2	-	-	-	-	-	-	155	147	-	207	245	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.58	6.27	8.1	6.58	6.4
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.58	-	7.1	5.58	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.58	-	7.1	5.58	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4.072	3.363	4.4	4.072	3.48
Pot Cap-1 Maneuver	1502	-	-	1344	-	-	612	574	849	455	535	906
Stage 1	-	-	-	-	-	-	815	731	-	670	765	-
Stage 2	-	-	-	-	-	-	852	764	-	616	692	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1501	-	-	1344	-	-	586	561	849	430	523	905
Mov Cap-2 Maneuver	-	-	-	-	-	-	586	561	-	430	523	-
Stage 1	-	-	-	-	-	-	812	728	-	667	751	-
Stage 2	-	-	-	-	-	-	817	750	-	589	689	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.2			1.4			11.9			11.4		
HCM LOS							B			B		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	615	1501	-	-	1344	-	-	581
HCM Lane V/C Ratio	0.154	0.004	-	-	0.016	-	-	0.036
HCM Control Delay (s)	11.9	7.4	0	-	7.7	0	-	11.4
HCM Lane LOS	B	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.5	0	-	-	0.1	-	-	0.1

Intersection												
Int Delay, s/veh	2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	20	95	7	0	94	11	10	0	1	8	2	16
Future Vol, veh/h	20	95	7	0	94	11	10	0	1	8	2	16
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	76	76	76	76	76	76	76	76	76	76	76	76
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	26	125	9	0	124	14	13	0	1	11	3	21

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	139	0	0	134	0	0	325	321	130	314	318	132
Stage 1	-	-	-	-	-	-	182	182	-	132	132	-
Stage 2	-	-	-	-	-	-	143	139	-	182	186	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1457	-	-	1463	-	-	632	599	925	643	602	923
Stage 1	-	-	-	-	-	-	824	753	-	876	791	-
Stage 2	-	-	-	-	-	-	865	785	-	824	750	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1456	-	-	1463	-	-	607	587	925	632	590	922
Mov Cap-2 Maneuver	-	-	-	-	-	-	607	587	-	632	590	-
Stage 1	-	-	-	-	-	-	808	739	-	858	790	-
Stage 2	-	-	-	-	-	-	842	784	-	807	736	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.2	0	10.9	9.8
HCM LOS			B	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	627	1456	-	-	1463	-	-	778
HCM Lane V/C Ratio	0.023	0.018	-	-	-	-	-	0.044
HCM Control Delay (s)	10.9	7.5	0	-	0	-	-	9.8
HCM Lane LOS	B	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0.1	0.1	-	-	0	-	-	0.1

Intersection						
Int Delay, s/veh	2.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	70	23	11	61	18	21
Future Vol, veh/h	70	23	11	61	18	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	93	31	15	81	24	28

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	124	0	220
Stage 1	-	-	-	-	109
Stage 2	-	-	-	-	111
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1475	-	773
Stage 1	-	-	-	-	921
Stage 2	-	-	-	-	919
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1475	-	764
Mov Cap-2 Maneuver	-	-	-	-	764
Stage 1	-	-	-	-	921
Stage 2	-	-	-	-	909

Approach	EB	WB	NB
HCM Control Delay, s	0	1.1	9.5
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	854	-	-	1475	-
HCM Lane V/C Ratio	0.061	-	-	0.01	-
HCM Control Delay (s)	9.5	-	-	7.5	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.2	-	-	0	-

Intersection												
Int Delay, s/veh	2.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	80	33	17	65	1	32	2	7	1	5	5
Future Vol, veh/h	0	80	33	17	65	1	32	2	7	1	5	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	2	2	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	6	6	0	2	0	0	0	17	100	0	20
Mvmt Flow	0	95	39	20	77	1	38	2	8	1	6	6

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	78	0	0	134	0	0	239	233	117	240	252	78
Stage 1	-	-	-	-	-	-	115	115	-	118	118	-
Stage 2	-	-	-	-	-	-	124	118	-	122	134	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.37	8.1	6.5	6.4
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	7.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	7.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.453	4.4	4	3.48
Pot Cap-1 Maneuver	1533	-	-	1463	-	-	719	671	896	550	655	935
Stage 1	-	-	-	-	-	-	895	804	-	696	802	-
Stage 2	-	-	-	-	-	-	885	802	-	692	789	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1533	-	-	1463	-	-	702	662	894	537	646	935
Mov Cap-2 Maneuver	-	-	-	-	-	-	702	662	-	537	646	-
Stage 1	-	-	-	-	-	-	895	804	-	696	791	-
Stage 2	-	-	-	-	-	-	861	791	-	682	789	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			1.5			10.3			10		
HCM LOS							B			B		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	726	1533	-	-	1463	-	-	736
HCM Lane V/C Ratio	0.067	-	-	-	0.014	-	-	0.018
HCM Control Delay (s)	10.3	0	-	-	7.5	0	-	10
HCM Lane LOS	B	A	-	-	A	A	-	B
HCM 95th %tile Q(veh)	0.2	0	-	-	0	-	-	0.1

Intersection												
Int Delay, s/veh	1.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	6	84	2	0	70	7	2	0	0	5	0	13
Future Vol, veh/h	6	84	2	0	70	7	2	0	0	5	0	13
Conflicting Peds, #/hr	4	0	1	1	0	4	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	88	88	88	88	88	88
Heavy Vehicles, %	17	7	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	7	95	2	0	80	8	2	0	0	6	0	15

Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	92	0	0	98	0	0	203	203	98	199	200	88
Stage 1	-	-	-	-	-	-	111	111	-	88	88	-
Stage 2	-	-	-	-	-	-	92	92	-	111	112	-
Critical Hdwy	4.27	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.353	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1413	-	-	1508	-	-	759	697	963	764	699	976
Stage 1	-	-	-	-	-	-	899	807	-	925	826	-
Stage 2	-	-	-	-	-	-	920	823	-	899	807	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1408	-	-	1507	-	-	744	690	961	757	692	972
Mov Cap-2 Maneuver	-	-	-	-	-	-	744	690	-	757	692	-
Stage 1	-	-	-	-	-	-	894	802	-	917	823	-
Stage 2	-	-	-	-	-	-	906	820	-	894	802	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.9	9.1
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	744	1408	-	-	1507	-	-	901
HCM Lane V/C Ratio	0.003	0.005	-	-	-	-	-	0.023
HCM Control Delay (s)	9.9	7.6	0	-	0	-	-	9.1
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1



Intersection						
Int Delay, s/veh	1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	64	17	6	60	8	4
Future Vol, veh/h	64	17	6	60	8	4
Conflicting Peds, #/hr	0	1	1	0	2	10
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	7	0	0	5	0	0
Mvmt Flow	85	23	8	80	11	5

Major/Minor	Major1	Major2	Minor1	Minor2	Minor3
Conflicting Flow All	0	0	109	0	196
Stage 1	-	-	-	-	98
Stage 2	-	-	-	-	98
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1494	-	797
Stage 1	-	-	-	-	931
Stage 2	-	-	-	-	931
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1493	-	790
Mov Cap-2 Maneuver	-	-	-	-	790
Stage 1	-	-	-	-	930
Stage 2	-	-	-	-	924

Approach	EB	WB	NB
HCM Control Delay, s	0	0.7	9.4
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	835	-	-	1493	-
HCM Lane V/C Ratio	0.019	-	-	0.005	-
HCM Control Delay (s)	9.4	-	-	7.4	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	-	-	0	-

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↶	↷		↶	
Traffic Vol, veh/h	6	62	49	1	1	18
Future Vol, veh/h	6	62	49	1	1	18
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	8	83	65	1	1	24

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	66	0	-	0	165 66
Stage 1	-	-	-	-	66 -
Stage 2	-	-	-	-	99 -
Critical Hdwy	4.1	-	-	-	6.4 6.2
Critical Hdwy Stg 1	-	-	-	-	5.4 -
Critical Hdwy Stg 2	-	-	-	-	5.4 -
Follow-up Hdwy	2.2	-	-	-	3.5 3.3
Pot Cap-1 Maneuver	1549	-	-	-	830 1003
Stage 1	-	-	-	-	962 -
Stage 2	-	-	-	-	930 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1549	-	-	-	826 1003
Mov Cap-2 Maneuver	-	-	-	-	826 -
Stage 1	-	-	-	-	957 -
Stage 2	-	-	-	-	930 -

Approach	EB	WB	SB
HCM Control Delay, s	0.6	0	8.7
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1549	-	-	-	992
HCM Lane V/C Ratio	0.005	-	-	-	0.026
HCM Control Delay (s)	7.3	0	-	-	8.7
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Intersection												
Int Delay, s/veh	3.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	5	128	98	22	97	2	57	14	18	1	13	5
Future Vol, veh/h	5	128	98	22	97	2	57	14	18	1	13	5
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	0	1	2	0	2	0	0	8	7	100	8	20
Mvmt Flow	5	141	108	24	107	2	63	15	20	1	14	5

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	110	0	0	249	0	0	371	363	195	380	416	109
Stage 1	-	-	-	-	-	-	205	205	-	157	157	-
Stage 2	-	-	-	-	-	-	166	158	-	223	259	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.58	6.27	8.1	6.58	6.4
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.58	-	7.1	5.58	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.58	-	7.1	5.58	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4.072	3.363	4.4	4.072	3.48
Pot Cap-1 Maneuver	1493	-	-	1328	-	-	589	555	834	435	518	898
Stage 1	-	-	-	-	-	-	802	721	-	660	756	-
Stage 2	-	-	-	-	-	-	841	756	-	602	683	-
Platoon blocked, %		-	-	-	-	-						
Mov Cap-1 Maneuver	1492	-	-	1328	-	-	563	542	834	408	506	897
Mov Cap-2 Maneuver	-	-	-	-	-	-	563	542	-	408	506	-
Stage 1	-	-	-	-	-	-	799	718	-	657	741	-
Stage 2	-	-	-	-	-	-	804	741	-	573	680	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.2			1.4			12.2			11.6		
HCM LOS							B			B		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	599	1492	-	-	1328	-	-	564
HCM Lane V/C Ratio	0.163	0.004	-	-	0.018	-	-	0.037
HCM Control Delay (s)	12.2	7.4	0	-	7.8	0	-	11.6
HCM Lane LOS	B	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.6	0	-	-	0.1	-	-	0.1

Intersection												
Int Delay, s/veh	1.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	20	110	7	0	102	13	10	0	1	10	2	16
Future Vol, veh/h	20	110	7	0	102	13	10	0	1	10	2	16
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	76	76	76	76	76	76	76	76	76	76	76	76
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	26	145	9	0	134	17	13	0	1	13	3	21

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	152	0	0	154	0	0	357	354	150	346	350	144
Stage 1	-	-	-	-	-	-	202	202	-	144	144	-
Stage 2	-	-	-	-	-	-	155	152	-	202	206	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1441	-	-	1439	-	-	602	574	902	612	577	909
Stage 1	-	-	-	-	-	-	805	738	-	864	782	-
Stage 2	-	-	-	-	-	-	852	775	-	805	735	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1440	-	-	1439	-	-	577	562	902	601	565	908
Mov Cap-2 Maneuver	-	-	-	-	-	-	577	562	-	601	565	-
Stage 1	-	-	-	-	-	-	789	723	-	846	781	-
Stage 2	-	-	-	-	-	-	829	774	-	788	720	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0	11.2	10.1
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	597	1440	-	-	1439	-	-	741
HCM Lane V/C Ratio	0.024	0.018	-	-	-	-	-	0.05
HCM Control Delay (s)	11.2	7.5	0	-	0	-	-	10.1
HCM Lane LOS	B	A	A	-	A	-	-	B
HCM 95th %tile Q(veh)	0.1	0.1	-	-	0	-	-	0.2

Intersection						
Int Delay, s/veh	2.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	87	23	13	71	18	24
Future Vol, veh/h	87	23	13	71	18	24
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	116	31	17	95	24	32

Major/Minor	Major1	Major2	Minor1	Minor2		
Conflicting Flow All	0	0	147	0	261	132
Stage 1	-	-	-	-	132	-
Stage 2	-	-	-	-	129	-
Critical Hdwy	-	-	4.1	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.2	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1447	-	732	923
Stage 1	-	-	-	-	899	-
Stage 2	-	-	-	-	902	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1447	-	723	923
Mov Cap-2 Maneuver	-	-	-	-	723	-
Stage 1	-	-	-	-	899	-
Stage 2	-	-	-	-	891	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.2	9.7
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	825	-	-	1447	-
HCM Lane V/C Ratio	0.068	-	-	0.012	-
HCM Control Delay (s)	9.7	-	-	7.5	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.2	-	-	0	-

Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↶	↷		↶	
Traffic Vol, veh/h	20	91	72	1	1	12
Future Vol, veh/h	20	91	72	1	1	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	27	121	96	1	1	16

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	97	0	-	0	272
Stage 1	-	-	-	-	97
Stage 2	-	-	-	-	175
Critical Hdwy	4.1	-	-	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	2.2	-	-	-	3.5
Pot Cap-1 Maneuver	1509	-	-	-	722
Stage 1	-	-	-	-	932
Stage 2	-	-	-	-	860
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1509	-	-	-	708
Mov Cap-2 Maneuver	-	-	-	-	708
Stage 1	-	-	-	-	914
Stage 2	-	-	-	-	860

Approach	EB	WB	SB
HCM Control Delay, s	1.3	0	8.9
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1509	-	-	-	939
HCM Lane V/C Ratio	0.018	-	-	-	0.018
HCM Control Delay (s)	7.4	0	-	-	8.9
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0.1	-	-	-	0.1

**Engineering Department**  
63090 Sherman Rd.  
Bend, OR 97701



## **LETTER OF INTENT TO SERVE**

Date: 1/13/2023

To Whom It May Concern,

It is the intention of TDS/BendBroadband LLC to install mainline (Fiber or Coax) (in developer- provided conduit (2" conduit with 3' sweeps) within utility trenches) in the below described properties. TDS/BendBroadband LLC will activate these lines at a time when TDS/BendBroadband LLC determines it is cost effective to do so. All conduits placed on our behalf within these properties and Rights of Way are for the exclusive use of providing TDS/BendBroadband LLC services.

Subdivision/Property Description:  
**Stone Oak Subdivision**

Thank you,

A handwritten signature in black ink that reads "Sosanna McHugh". The signature is written in a cursive, flowing style.

Sosanna McHugh – Senior Software Engineer (541) 693-5981  
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64500 OB RILEY ROAD SUITE 2 • BEND, OR 97703-1088  
TELEPHONE 888-522-1130 • FAX 541-317-8570  
[www.cngc.com](http://www.cngc.com)

1/11/23

BECON  
549 SW Mill View Way, Suite 100  
Bend, OR 97702

Re: Stone Oak Subdivision, Madras OR (Tax Lot 111301CA02203)

Dear: April

Pursuant to your inquiry, Cascade Natural Gas Corporation will provide service to above subject in accordance to our Rule #10 (see attached), as set forth by the Oregon Public Utilities Commission.

Should you have any questions in regard to this matter, please feel free to contact me.

Sincerely,

CASCADE NATURAL GAS CORPORATION

A handwritten signature in blue ink that reads "Donna Herman".

Donna Herman  
Energy Services Representative Sr.  
541-706-6282  
[Donna.herman@cngc.com](mailto:Donna.herman@cngc.com)

Attachment





1/12/2023

April Pust  
549 SW Mill View Way, Ste. 100  
Bend, OR 97702

RE: TBD

Will Serve: Madras (Tax Lot 111301CA02203)

Dear Customer,

This is to advise you that Pacific Power has electrical distribution facilities near 410 NE Oak St. in Jefferson County, State of Oregon. Pacific Power has certified rights to provide electrical energy in this area.

Pacific Power will provide electric service to this project within a reasonable time after service is applied for. These extensions are provided under our rules and regulations as filed with the Oregon State Public Utilities Commissioners. These rules and regulations require that under some situations, the developer or customer will be required to participate in the line extension costs.

Electric service to this project is in accordance with the rates, rules and regulations of Pacific Power's files electric tariff.

If you have questions please give me a call at 541-388-7132.

Respectfully,

Tami Hoffman  
[tami.hoffman@pacificorp.com](mailto:tami.hoffman@pacificorp.com)



## PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Western Title & Escrow Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

**Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

*Countersigned*

A handwritten signature in black ink, appearing to read "Alan Burton", is written over a horizontal line.

Alan Burton



60 SE 6th Street, Madras, OR 97741  
(541)460-5107 FAX (541)460-5019

## PRELIMINARY REPORT

**ESCROW OFFICER:** Nicole A. McGraw  
nicole.mcgraw@westerntitle.com  
541-460-5105

**ORDER NO.:** WT0242840  
**Revision** 4-update buyers

**TITLE OFFICER:** Tyler Friesen  
Email: titleofficersupport@westerntitle.com

**TO:** Western Title & Escrow Company  
60 SE 6th Street  
Madras, OR 97741

**ESCROW LICENSE NO.:** 201210780

**OWNER/SELLER:** Marie Easter

**BUYER/BORROWER:** Momentasize, LLC, as to undivided 10% interest, VDV Properties, LLC, as to an undivided 40% interest and Anne-Marie van der Velde, as to an undivided 50% interest

**PROPERTY ADDRESS:** No Situs Address, 2203 NE Oak, Madras, OR 97741

**EFFECTIVE DATE:** December 27, 2022, 05:00 PM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2021 Owner's Standard Proposed Insured: Momentasize, LLC, as to undivided 10% interest, VDV Properties, LLC, as to an undivided 40% interest, and Anne-Marie van der Velde, as to an undivided 50% interest	\$ 309,715.00	\$ 970.00
OTIRO Endorsement No. 110		\$ 0.00
Government Lien Search		\$ 75.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

Fee Simple

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Larry Easter and and Marie Easter, as tenants by the entirety

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF MADRAS, COUNTY OF JEFFERSON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

Parcel 2 of Partition Plat 1990-02, recorded June 20, 1990 as Instrument No. 901367, in the office of the County Clerk for Jefferson County, Oregon.

**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2022-2023  
Original Amount: \$836.85  
Unpaid Balance: \$557.90, plus interest, if any  
Levy Code: 0020  
Account No.: 11696  
Map No.: 111301CA02203

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

7. City Liens, if any, of the City of Madras.  
(Please contact the Title Department for a City Lien Search within 30 days of closing)
8. The property lies within the boundaries of Deschutes Valley Water District and is subject to any charges or assessments levied by said District, and pipeline easements in connection therewith.
9. Regulations of North Unit Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.
10. Easement, as disclosed in document,  
Recording Date: November 17, 1949  
Recording No.: 4-395

11. Easement(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Pacific Power & Light Company  
Recording Date: September 20, 1961  
Recording No: 33-562
12. Easement(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Pacific Power & Light Company  
Recording Date: December 10, 1984  
Recording No: 152918
13. [Intentionally Deleted]
14. Effect, if any, of Bargain and Sale Deed,  
Recording Date: November 14, 2005  
Recording No: 2005-006574  
Grantor: Larry Easter  
Grantee: Marie Easter

The above document was recorded with an erroneous legal description.

15. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

**ADDITIONAL REQUIREMENTS/NOTES:**

- A. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final ALTA Policy unless removed prior to issuance.
- C. Note: If an Owner's Title Insurance Policy is requested, the State of Oregon requires every ALTA Owner's Policy (07-01-2021) to include the OTIRO 110 Endorsement as a supplement to the definition of Insured in said Owner's Policy's Conditions to confirm coverage is the same for an Oregon Registered Domestic Partner as it is for a Spouse.
- D. [Intentionally Deleted]
- E. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:  
  
Parties: Momentasize, LLC, as to undivided 10% interest, VDV Properties, LLC, as to an undivided 40% interest and Anne-Marie van der Velde as to an undivided 50% interest
- F. The Company has on file a copy of the Operating Agreement for Momentasize LLC , dated January 11, 2021. A copy of any amendments subsequent to the date of said Operating Agreement should be furnished for review prior to closing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- G. The Company has on file a copy of the Operating Agreement for VDV Properties, LLC , dated April 19, 2006. A copy of any amendments subsequent to the date of said Operating Agreement should be furnished for review prior to closing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- H. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

- I. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

- J. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

- K. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

- L. Note: Recording charge per document for:  
**Jefferson County** - \$91.00 for the first page, \$5.00 for each additional page

E-recording fee is an additional \$5.00 per document

**Send Recording Packages to:**  
Western Title & Escrow Company  
Attention: Recording  
1777 SW Chandler, Suite 100  
Bend, OR 97702  
Email: [desrecording@westerntitle.com](mailto:desrecording@westerntitle.com)

**EXHIBIT ONE**  
**2021 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (07-01-2021)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
  - i. the occupancy, use, or enjoyment of the Land;
  - ii. the character, dimensions, or location of any improvement on the Land;
  - iii. the subdivision of land; or
  - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
  - a. created, suffered, assumed, or agreed to by the Insured Claimant;
  - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - c. resulting in no loss or damage to the Insured Claimant;
  - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or

- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
  - a. fraudulent conveyance or fraudulent transfer;
  - b. voidable transfer under the Uniform Voidable Transactions Act; or
  - c. preferential transfer:
    - i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
    - ii. for any reason not stated in the Covered Risk 13.b
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

**2021 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (07-01-2021)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
  - i. the occupancy, use, or enjoyment of the Land;
  - ii. the character, dimensions or location of any improvement on the Land;
  - iii. the subdivision of land; or
  - iv. environmental remediation or protection;
- b. any governmental forfeiture, police, regulatory, or national security power
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
  - a. created, suffered, assumed or agreed to by the Insured Claimant;
  - b. not known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - c. resulting in no loss or damage to the Insured Claimant;

- d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
  - a. fraudulent conveyance or fraudulent transfer, or
  - b. voidable transfer under the Uniform Voidable Transactions Act; or
  - c. preferential transfer:
    - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
    - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



## EXHIBIT ONE

### 2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;
  - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
  - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
  - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

### 2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## **FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE**

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888)714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice: Notice Changes**

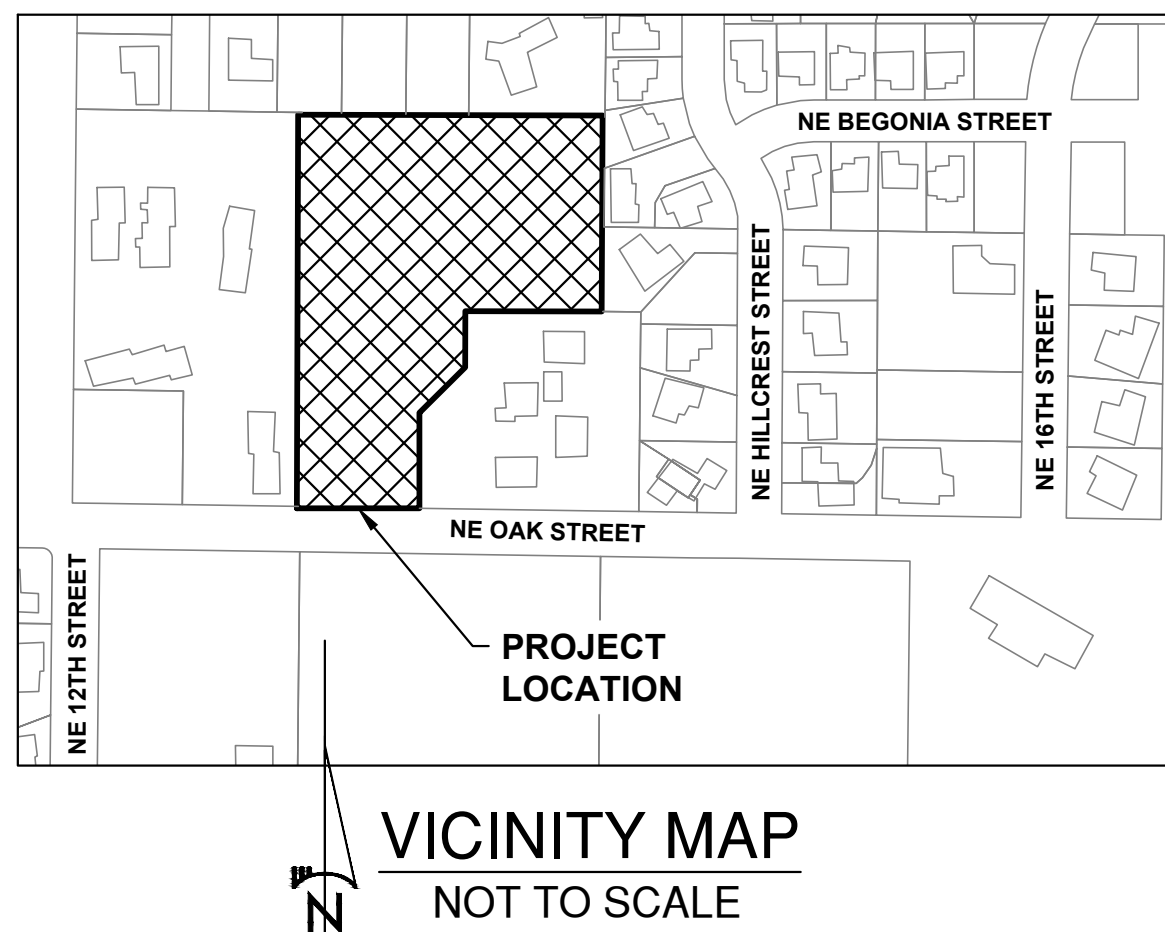
By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

### **Accessing and Correcting Information: Contact Us**

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 714-2710 or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer



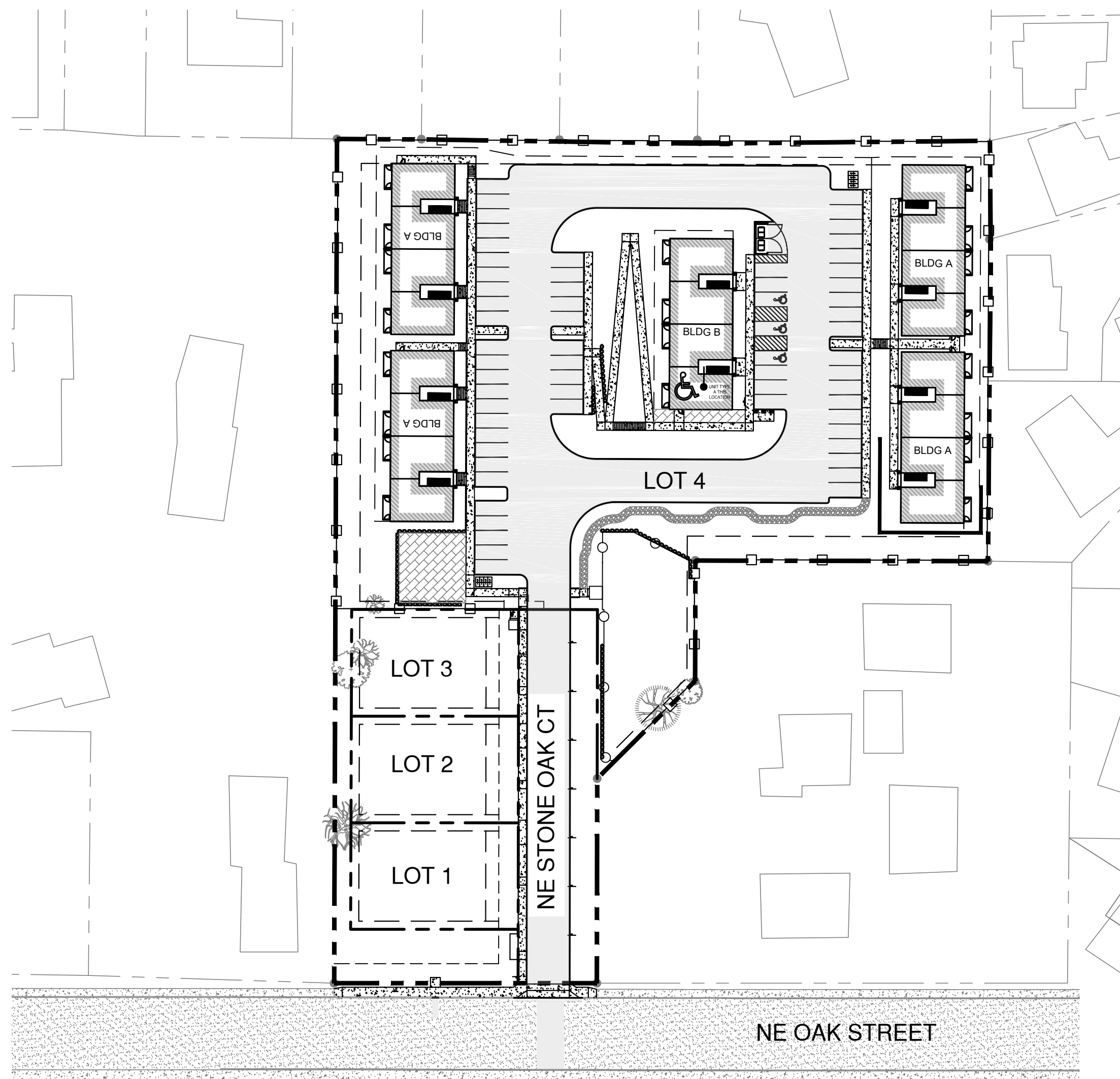


# STONE OAK ZONE CHANGE, SUBDIVISION AND SITE PLAN

TAXLOT: 111301CA02203  
CITY PROJECT NUMBER: TBD  
NOVEMBER 2023  
CITY OF MADRAS, JEFFERSON COUNTY, OREGON

### CONSTRUCTION NOTES:

1. NO CONSTRUCTION SHALL BE STARTED WITHOUT A NOTICE TO PROCEED BY THE CITY ENGINEERING DEPARTMENT. THE CITY ENGINEERING DEPARTMENT AND THE DESIGN ENGINEER SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO THE START OF CONSTRUCTION. ANY CONSTRUCTION WORK DONE PRIOR TO NOTICE TO PROCEED BEING ISSUED OR WITHOUT INSPECTION WILL BE REJECTED.
2. CONTRACTOR SHALL VERIFY ALL CONDITIONS ON THE JOB SITE INCLUDING BUT NOT LIMITED TO, ALL DIMENSIONS, GRADES, ELEVATIONS, EXTENT AND COMPATIBILITY TO THE EXISTING SITE CONDITIONS, AND WITH THE WORK DESCRIBED ON THE ENGINEER'S DRAWINGS. ANY DISCREPANCIES OR UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. CONTRACTOR SHALL NOT PROCEED WITH ANY OF THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO, THEN IT IS UNDERSTOOD THAT THE CONTRACTOR IS CHOOSING TO PROCEED AT THE CONTRACTOR'S OWN RISK AND SHALL INCUR ALL COSTS, IF ANY TO RESOLVE THE ISSUES TO THE SATISFACTION OF THE ENGINEER.
3. A CITY INSPECTOR ACTING ON BEHALF OF THE CITY MAY REQUIRE REVISIONS IN PLANS TO SOLVE UNFORESEEN PROBLEMS THAT MAY ARISE IN THE FIELD.
4. ALL CONSTRUCTION WORK AND INSTALLATIONS SHALL CONFORM TO THE CURRENT CITY OF BEND PUBLIC WORKS STANDARDS & SPECIFICATIONS REQUIREMENTS, AND ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.
5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT "UNDERGROUND LOCATE SERVICE" AT 1-800-332-2344 AT LEAST 48 BUSINESS-DAY HOURS PRIOR TO THE START OF CONSTRUCTION FOR THE LOCATION OF POWER, GAS, CABLE TV AND TELEPHONE UNDERGROUND FACILITIES. THE CONTRACTOR WILL ALSO BE RESPONSIBLE FOR CONTACTING THE APPROPRIATE PUBLIC AGENCY FOR THE LOCATION OF UNDERGROUND FACILITIES.
6. ALL UTILITIES SHOWN ARE ACCURATE TO THE EXTENT OF AVAILABLE RECORDS AND KNOWLEDGE. NO POTHOLES TO VERIFY LOCATIONS AND ELEVATIONS WAS AUTHORIZED BY THE OWNER. THE CONTRACTOR HAS THE TOTAL RESPONSIBILITY TO VERIFY THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND TO NOTIFY THE UTILITY COMPANIES WHEN WORKING IN THEIR PROXIMITY. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION. OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)232-2987.
7. ALL GRADING SHALL BE IN CONFORMANCE WITH THE CURRENT CITY STANDARDS AND SPECIFICATIONS AND CURRENT GRADING ORDINANCE. ALL SUBGRADE MATERIAL SHALL BE CONSIDERED CLASS A AND COMPACTED TO 95% OF OPTIMUM DENSITY. AS SPECIFIED IN THESE PLANS, ALL FILL MATERIAL SHALL BE COMPACTED TO 95% RELATIVE COMPACTION PER THE CITY TESTING REQUIREMENTS.
8. ALL FINAL CUT SLOPES SHALL NOT EXCEED A GRADE OF 2 TO 1 VERTICAL UNLESS OTHERWISE APPROVED. FILL SLOPES SHALL NOT EXCEED A GRADE OF 2 HORIZONTAL TO 1 VERTICAL UNLESS OTHERWISE APPROVED BY THE ENGINEER.
9. ALL UNSUITABLE SOILS MATERIALS, RUBBISH AND DEBRIS RESULTING FROM GRADING OPERATIONS SHALL BE REMOVED FROM THE JOB SITE AND DISPOSED OF PROPERLY.
10. THE CONTRACTOR SHALL EMPLOY ALL LABOR, EQUIPMENT, AND METHODS REQUIRED TO PREVENT DUST IN AMOUNTS DAMAGING TO PROPERTY, CULTIVATED VEGETATION AND DOMESTIC ANIMALS OR CAUSING A NUISANCE TO PERSONS OCCUPYING BUILDINGS IN THE VICINITY OF THE JOB SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED BY DUST RESULTING FROM CONSTRUCTION.
11. THE CONTRACTOR SHALL FOLLOW ALL APPLICABLE INDUSTRIAL SAFETY REGULATIONS. THE CITY AND DESCHUTES COUNTY AND THEIR OFFICIALS, THE ENGINEER, AND THE OWNER SHALL NOT BE RESPONSIBLE FOR ENFORCING SAFETY REGULATIONS.
12. MATERIAL QUANTITIES USED, NOTED, OR PROVIDED IN A SEPARATE ITEMIZED QUANTITY TAKE-OFF ARE AN ENGINEER'S OPINION OF PROBABLE MATERIAL REQUIREMENTS, AND IS AN ESTIMATE ONLY. CONTRACTOR'S HAVE THE SOLE RESPONSIBILITY OF MAKING THEIR OWN QUANTITY TAKE-OFF AND COST ESTIMATE.
13. ALL WORK SHALL BE PERFORMED BY A CITY APPROVED CONTRACTOR.
14. UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN SERVING THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE THE REMOVAL OF ANY OBSTRUCTIONS INCLUDING TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF THE UTILITIES AND FACILITIES IN THE PUE.
15. CITY ENGINEER'S SIGNATURE DOES NOT CONSTITUTE APPROVAL OF FACILITIES PROPOSED ON PRIVATE PROPERTY. SEPARATE PERMITS ISSUED BY THE BUILDING DEPARTMENT ARE REQUIRED AND SHALL BE OBTAINED BY THE DEVELOPER FOR FACILITIES LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.
16. ANY WORK WITHIN EXISTING PUBLIC RIGHT-OF-WAY OR DEDICATED CITY EASEMENTS REQUIRES A SEPARATE RIGHT-OF-WAY EXCAVATION PERMIT OBTAINED FROM THE CITY ENGINEERING DIVISION.
17. ACCESS TO EXISTING PROPERTIES/RESIDENTS AFFECTED BY CONSTRUCTION ACTIVITIES WILL BE MAINTAINED AT ALL TIMES BY THE CONTRACTOR. EMERGENCY ACCESS AND COORDINATION OF BEND EMERGENCY SERVICES WILL BE REQUIRED.
18. SURVEY MONUMENTS, CONTROLS, OR PROPERTY CORNERS WHICH ARE DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES WILL BE RE-ESTABLISHED, RESTORED, AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.
19. TOPOGRAPHY SURVEY DATUM IS BASED ON NAD89 USING THE OREGON NETWORK.
20. ALL NECESSARY CHANGES TO DESIGN PLANS, REVEALED DURING CONSTRUCTION, MUST BE APPROVED BY THE DESIGN ENGINEER AND CITY OF BEND.



**SITE MAP**  
1" = 60'

### DEVELOPER:

MOMENTASIZE, LLC  
DIRK VAN DER VELDE  
16330 SKYLINE RANCH ROAD  
BEND, OR 97703

### ENGINEER & SURVEYOR:

BECON CIVIL ENGINEERING &  
LAND SURVEYING  
APRIL PUST, PE  
549 SW MILL VIEW WAY, STE 100  
BEND, OREGON 97702

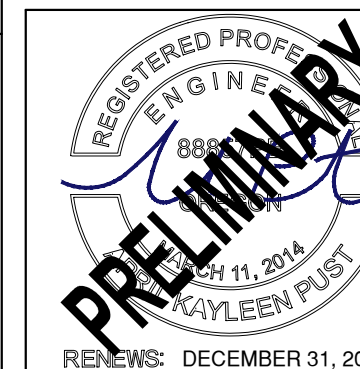
### UTILITY PROVIDERS:

CITY OF MADRAS SEWER  
DESCHUTES VALLEY WATER DISTRICT  
PACIFIC POWER  
CASCADE NATURAL GAS  
BEND BROADBAND

### SHEET INDEX:

- C-1.0 - COVER SHEET
- C-2.0 - EXISTING CONDITIONS & DEMO PLAN
- C-3.0 - TENTATIVE SUBDIVISION PLAT
- C-4.0 - SITE AND UTILITY PLAN SOUTH
- C-4.1 - SITE AND UTILITY PLAN NORTH
- C-5.0 - GRADING & DRAINAGE PLAN SOUTH
- C-5.1 - GRADING & DRAINAGE PLAN NORTH

PLANNING SET



STONE OAK ZONE CHANGE,  
SUBDIVISION & SITE PLAN  
PLANNING DRAWINGS  
COVER SHEET  
CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:	1.	2.	3.

549 SW MILL VIEW WAY  
SUITE 100  
BEND, OREGON 97702  
(541) 683-3140  
www.beconeing.com

DESIGNED BY: AKP  
DRAWN BY: CLH  
SCALE: 1" = 60'  
FILE: 22087  
DATE: 11/3/2023

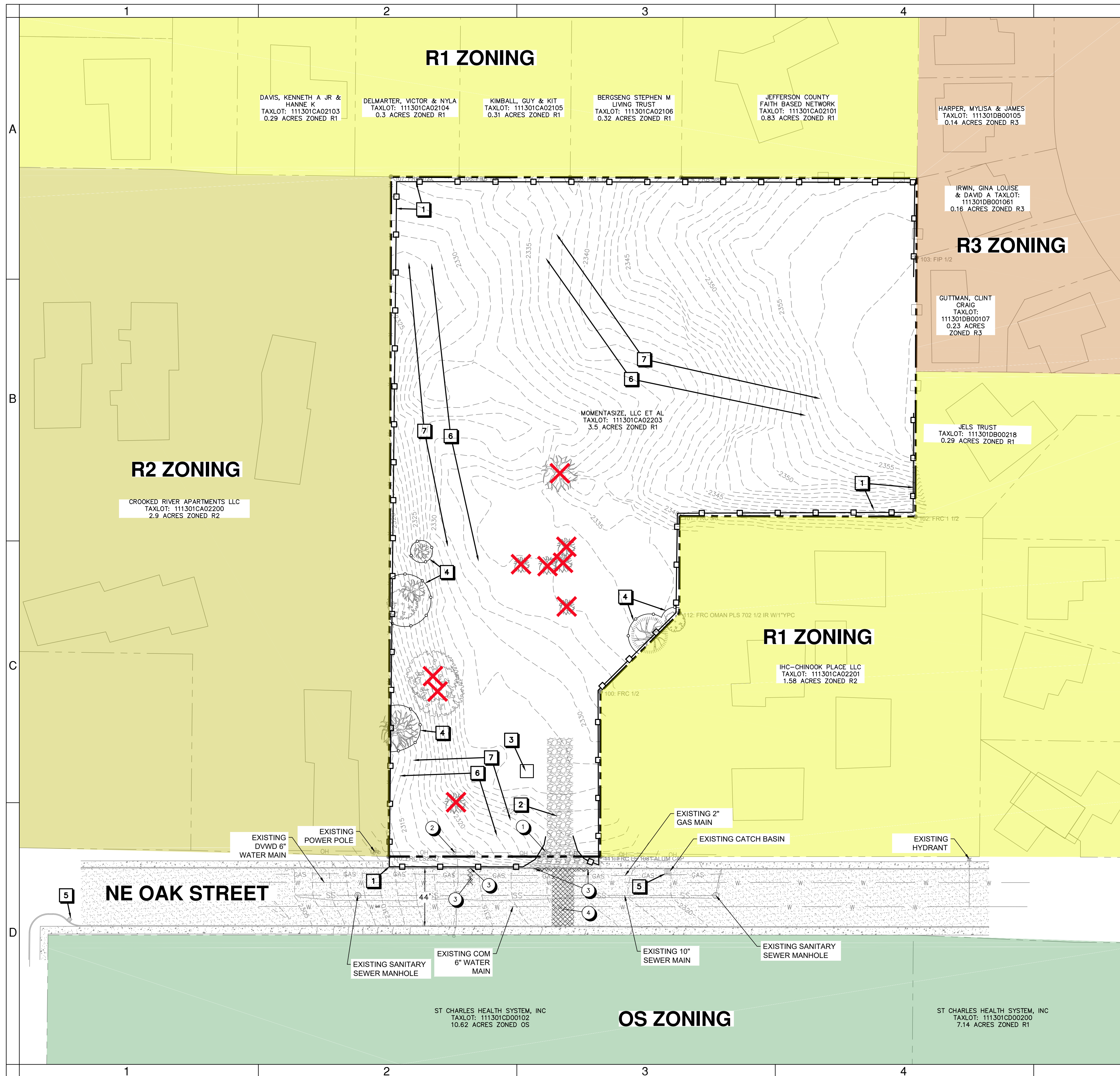
VERIFY SCALES  
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BAR EQUALS ONE INCH  
ON ORIGINAL DRAWING

SHEET: C - 1.0

1 OF 7

CITY PROJECT#: TBD





**LEGEND**

PROJECT BOUNDARY	---
EXISTING TAX LOTS	- - - -
EXISTING STORM CATCH BASIN	▢
EXISTING HYDRANT	⊙
EXISTING WATER VALVE	⊕
EXISTING POWER POLE	⊙
EXISTING TREE TO BE PRESERVED	⊙
EXISTING TREE TO BE REMOVED	⊙ X
EXISTING POWER/COMM PEDESTAL	⊙
EXISTING SIGN	⊙
EXISTING OVERHEAD CABLE	OH
MAJOR CONTOURS	-3505-
MINOR CONTOURS	-3503-
EXISTING CURB	—
EXISTING WATER	W
EXISTING SEWER	SS
EXISTING FENCE	x
EXISTING CONCRETE	▒
EXISTING ASPHALT	▒
ASPHALT/CONCRETE REMOVAL	▒
CURB REMOVAL	~
SAWCUT	---
SILT FENCE	⊕
ORANGE TREE PROTECTION FENCE	⊕

**DEMO NOTES**

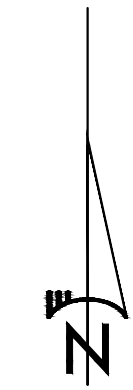
- 1 EXISTING POWER POLE AND TELEPED TO BE RELOCATED. ALL RELOCATIONS TO BE COORDINATED WITH FRANCHISE UTILITY COMPANIES. PP&L WORK ORDER #7002165.
- 2 EXISTING POWER POLE AND TELEPED TO BE ADJUSTED TO FINISH GRADE. ALL RELOCATIONS TO BE COORDINATED WITH FRANCHISE UTILITY COMPANIES. PP&L WORK ORDER #7002165.
- 3 EXISTING CURB TO BE REMOVED
- 4 EXISTING ASPHALT TO BE REMOVED

**ESC NOTES**

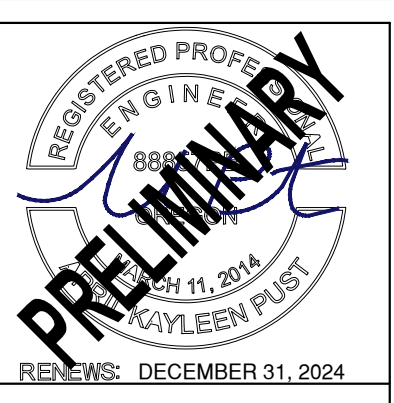
- 1 INSTALL SEDIMENT FENCE, PER ODOT STD DWG RD1040
- 2 INSTALL CONSTRUCTION ENTRANCE TYPE 2, PER ODOT STD DWG RD1000
- 3 INSTALL CONCRETE TRUCK WASHOUT, PER ODOT STD DWG RD 1070. FINAL LOCATION TO BE DETERMINED BY CONTRACTOR.
- 4 INSTALL ORANGE TREE PROTECTION FENCE
- 5 INSTALL PREFABRICATED FILTER INSERT - TYPE 3, PER ODOT STD DWG RD1010.
- 6 INSTALL SEDIMENT BARRIER TYPE 8, PER ODOT STD DWG RD1032.
- 7 INSTALL SLOPE MATTING, PER ODOT STD DWG RD1055.

**EX. CONDITIONS & DEMO PLAN**

1" = 40'



PLANNING SET



**STONE OAK ZONE CHANGE, SUBDIVISION & SITE PLAN**  
**PLANNING DRAWINGS**  
**EXISTING CONDITIONS & DEMO PLAN**  
 CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

**BECON**  
 CIVIL ENGINEERING & LAND SURVEYING  
 549 SW MILL VIEW WAY  
 SUITE 100  
 BEND, OREGON 97702  
 (541) 683-3140  
 www.beconeg.com

DESIGNED BY: AKP  
 DRAWN BY: CLH  
 SCALE: 1" = 40'  
 FILE: 22087  
 DATE: 11/3/2023

VERIFY SCALES  
 0 1"  
 BAR EQUALS ONE INCH ON ORIGINAL DRAWING

SHEET: C - 2.0

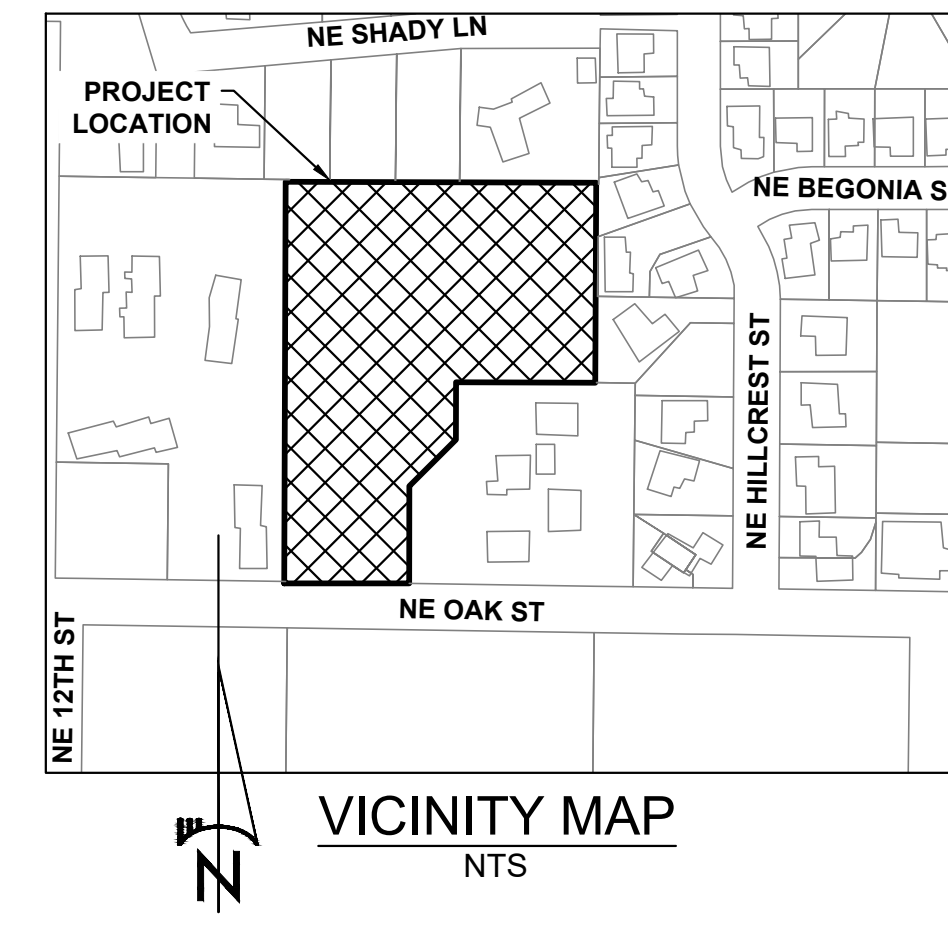
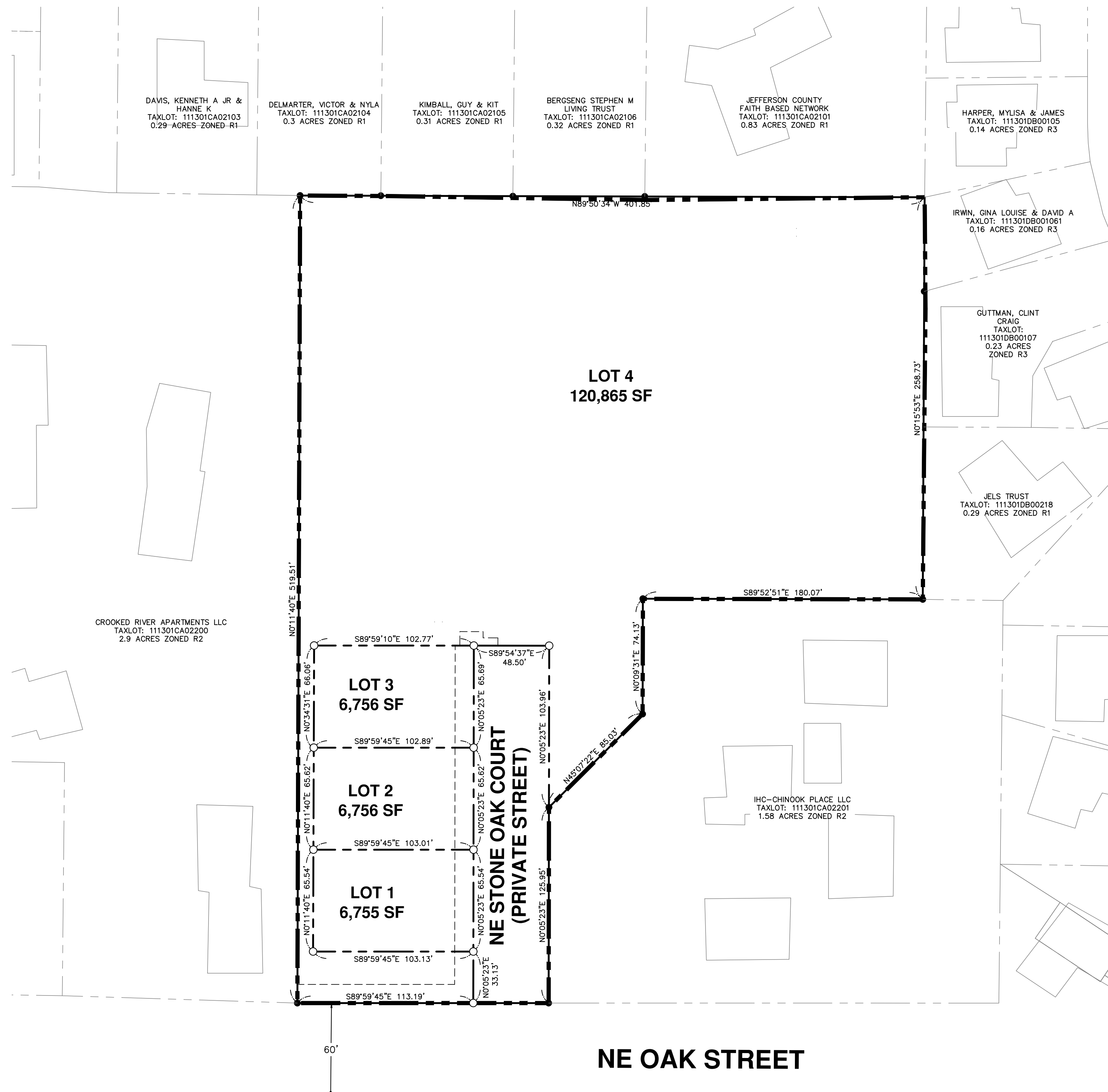
2 OF 7

CITY PROJECT#: TBD



# STONE OAK - TENTATIVE SUBDIVISION PLAT

LOCATED IN THE N.E. 1/4 OF THE S.W. 1/4 SECTIONS 1 TOWNSHIP 11S RANGE 13E W.M. JEFFERSON COUNTY, OREGON.



**LEGEND:**

PROJECT BOUNDARY	— — — — —
EXISTING TAX LOTS	- - - - -
PROPOSED LOT LINE	— — — — —
PROPOSED EASEMENT LINE	- - - - -
FOUND MONUMENT	●
PROPOSED MONUMENT	○

**SITE DATA:**

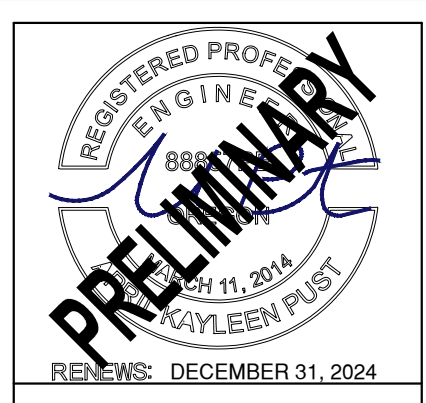
TAX PARCEL:	111301CA02203
CURRENT ZONING:	R1 - RESIDENTIAL
PROPOSED ZONING:	R3 - RESIDENTIAL
CURRENT USE:	UNDEVELOPED LOT
PROPOSED USE:	SUBDIVISION - SINGLE FAMILY & APARTMENTS
TOTAL LOT AREA:	3.5 ACRES
TOTAL LOT COUNT:	4 LOTS
CODE SETBACKS:	FRONT - 12' GARAGE - 20' *SIDE - 5' *REAR - 5' *15' FOR APARTMENTS
MIN LOT SIZE:	6,000 SF
SINGLE FAMILY DENSITY:	MINIMUM DENSITY = 7 UNITS/ACRE MAXIMUM DENSITY = 21.7 UNITS/ACRE PROPOSED DENSITY = 6.5 UNITS/ACRE

**PROPOSED LOT AREAS:**

LOT 1 - 6,756 SF
LOT 2 - 6,756 SF
LOT 3 - 6,755 SF
LOT 4 - 120,865 SF
NE STONE OAK COURT - 11,152 SF (PRIVATE STREET)

**TENTATIVE SUBDIVISION PLAT**  
1" = 40'

**PLANNING SET**



**STONE OAK ZONE CHANGE, SUBDIVISION & SITE PLAN**

**PLANNING DRAWINGS**

**TENTATIVE SUBDIVISION PLAT**

CITY OF MADRAS, JEFFERSON COUNTY, OREGON



**REVISIONS:**

1.	
2.	
3.	

**BECON**  
Civil Engineering & Land Surveying

549 SW MILL VIEW WAY  
SUITE 100  
BEND, OREGON 97702  
(541) 633-3140  
www.beconing.com

DESIGNED BY: AKP	DATE: 11/3/2023
DRAWN BY: CLH	
SCALE: 1" = 40'	
FILE: 22087	

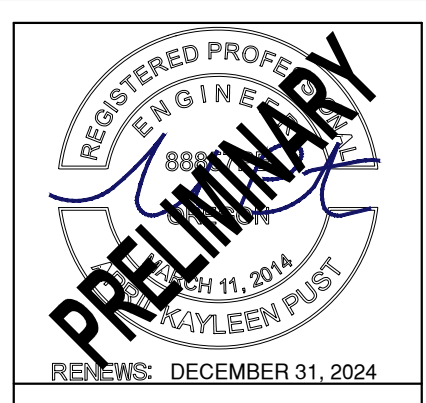
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SHEET: C - 3.0

3 OF 7

CITY PROJECT#: TBD





**STONE OAK ZONE CHANGE,  
SUBDIVISION & SITE PLAN**

**PLANNING DRAWINGS**

**SITE AND UTILITY PLAN SOUTH**

CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

549 SW MILL VIEW WAY  
SUITE 100  
BEND, OREGON 97702  
(541) 633-3140  
www.beconeing.com



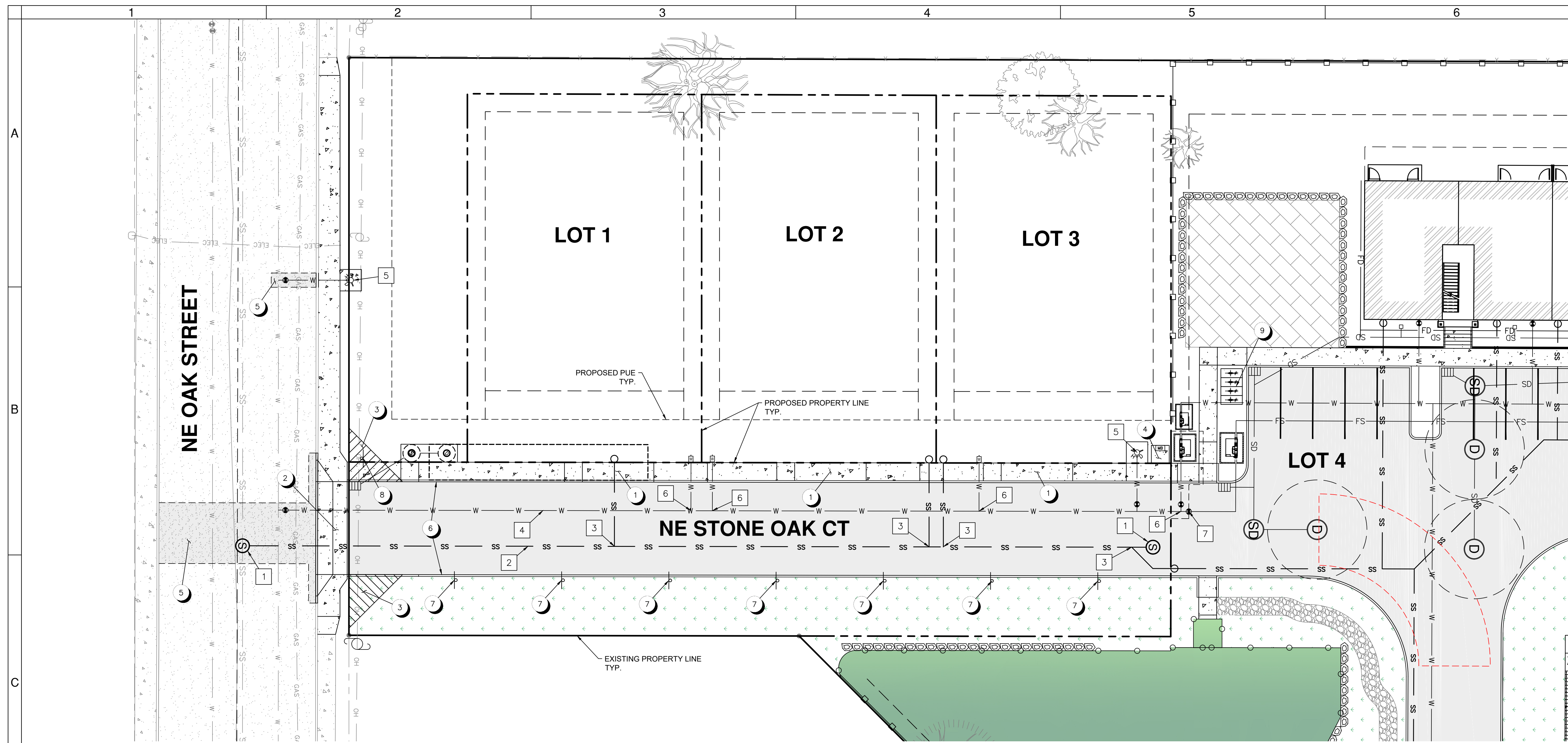
DESIGNED BY: AKP  
DRAWN BY: CLH  
SCALE: 1" = 15'  
FILE: 22087  
DATE: 11/3/2023

VERIFY SCALES  
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BAR EQUALS ONE INCH  
ON ORIGINAL DRAWING

SHEET: C - 4.0

4 OF 7

CITY PROJECT#: TBD



**LEGEND:**

- PROPOSED TAX LOTS
- BUILDING SETBACK
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- PROPOSED LANDSCAPING
- PROPOSED CURB
- PROPOSED WATER SERVICE
- PROPOSED SEWER SERVICE
- PROPOSED STORM DRAIN
- PROPOSED SAWCUT LINE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED WATER METER
- PROPOSED SEWER MANHOLE

**SITE NOTES**

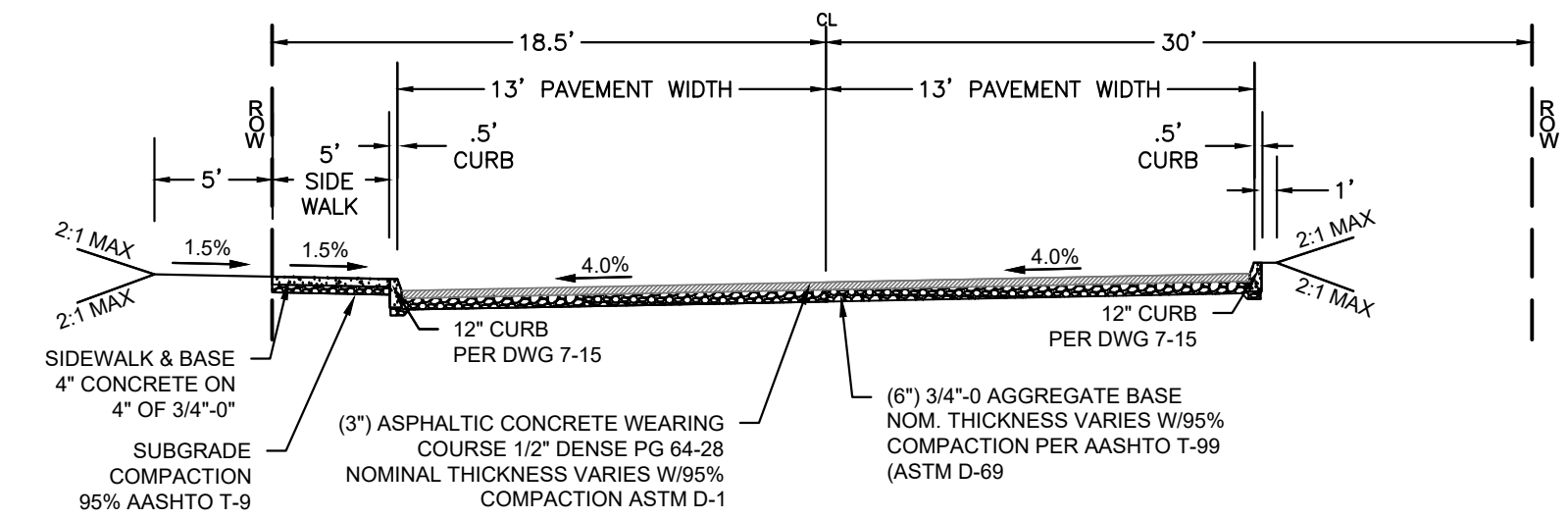
- 1 PROPOSED 20' WIDE DRIVEWAY APPROACH
- 2 PROPOSED 26' WIDE DRIVEWAY APPROACH
- 3 CLEAR VISION AREAS (15')
- 4 PROPOSED CLUSTER MAILBOX WITH ACCESS EASEMENT
- 5 PROPOSED SAWCUT AND PATCHING
- 6 FIRE LANE CURB PAINTED RED WITH WHITE LETTERS "NO PARKING - FIRE LANE"
- 7 "NO PARKING - FIRE LANE" SIGN
- 8 INSTALL STREET NAME NE OAK ST, NE STONE OAK COURT AND STOP SIGN, PER COM STD DWG 7-17 AND MUTCD STANDARDS.
- 9 U-RACK STYLE (OR SIMILAR) BIKE PARKING. FOUR 2.5' X 6' SPACES PER LOCATION. COVERED BIKE PARKING IS PROVIDED WITH EACH APARTMENT UNIT.

**UTILITY NOTES**

- 1 PROPOSED SANITARY SEWER MANHOLE
- 2 PROPOSED SEWER MAIN
- 3 PROPOSED SEWER SERVICE AND CLEANOUT
- 4 PROPOSED WATER MAIN
- 5 PROPOSED FIRE HYDRANT
- 6 PROPOSED WATER SERVICE AND WATER METER
- 7 PROPOSED FIRE SERVICE

**SITE AND UTILITY PLAN SOUTH**

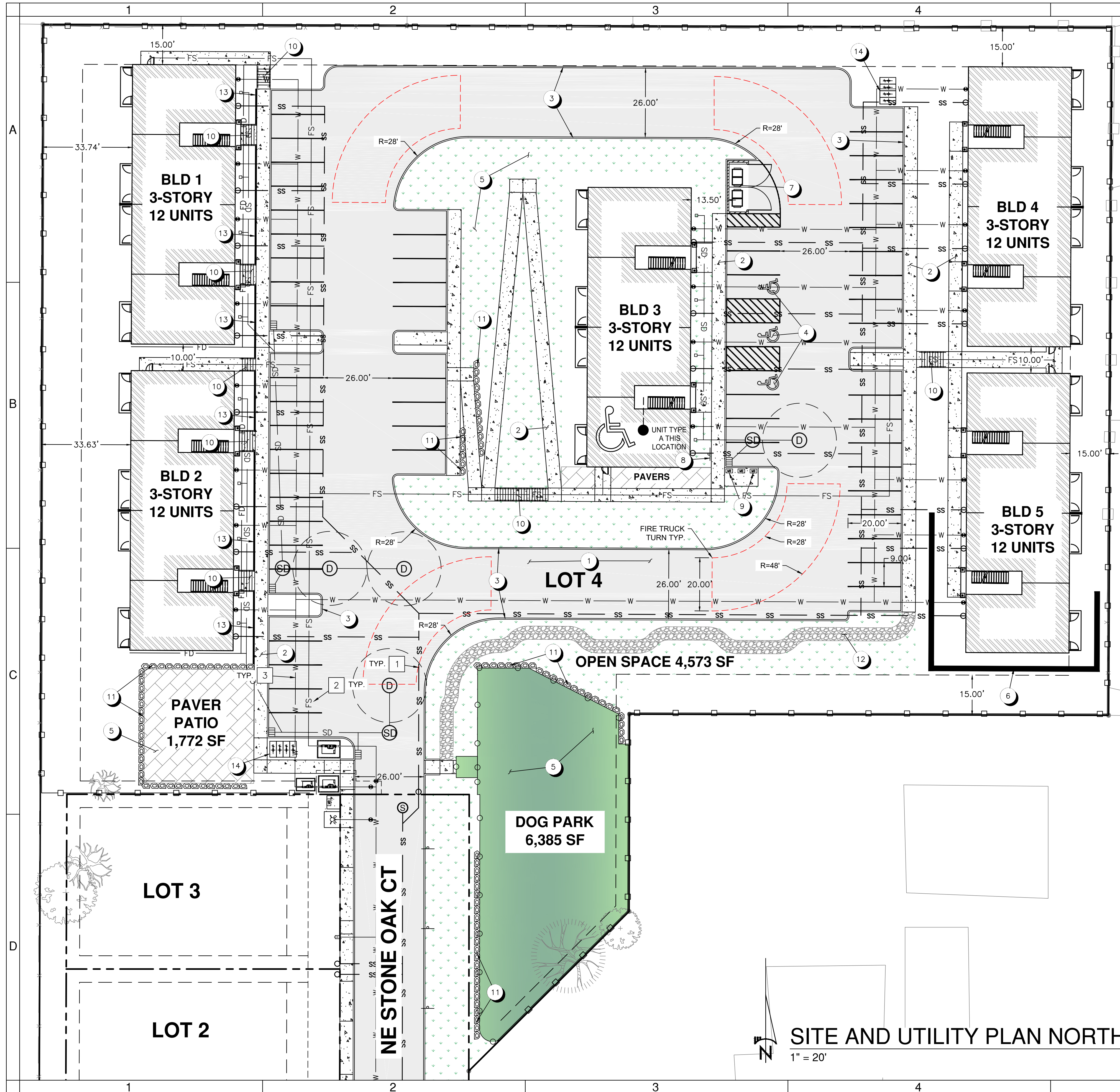
1" = 15'  
N



**NE STONE OAK COURT  
(PRIVATE STREET)**

PLANNING SET





**LEGEND:**

- PROPOSED TAX LOTS
- BUILDING SETBACK
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- PROPOSED LANDSCAPING
- PROPOSED PAVERS
- PROPOSED GRAVEL
- PROPOSED CURB
- PROPOSED WATER SERVICE
- PROPOSED SEWER SERVICE
- PROPOSED FIRE SERVICE
- PROPOSED STORM DRAIN
- PROPOSED WALL
- PROPOSED LANDSCAPE BOULDERS
- PROPOSED 6' CEDAR FENCE
- PROPOSED CHAIN LINK FENCE

**SITE NOTES**

- 1 PROPOSED NEW 4" HMAC OVER 6" COMPACTED GRAVEL BASE
- 2 PROPOSED 5' WIDE CONCRETE WALKWAY
- 3 PROPOSED STANDARD 12" CURB WITH 6" REVEAL
- 4 PROPOSED 9'X20' ADA PARKING AND AISLE. NOT TO EXCEED 2% SLOPE IN ANY DIRECTION. "RESERVED PARKING" AND "VAN ACCESSIBLE" SIGNS TO BE INSTALLED PER OREGON TRANSPORTATION COMMISSION FIGURES 8 AND 9. "WHEELCHAIR" SYMBOL AND "NO PARKING" PAVEMENT MARKINGS TO BE INSTALLED PER OREGON TRANSPORTATION COMMISSION FIGURES 6 AND 7.
- 5 PROPOSED LANDSCAPE AREA. REFER TO LANDSCAPING PLANS.
- 6 PROPOSED WALL ~ 11'
- 7 PROPOSED TRASH ENCLOSURE, REFER TO ARCHITECTURE PLANS.
- 8 PROPOSED 10 MINUTE PARKING SIGN
- 9 PROPOSED CLUSTER MAILBOXES
- 10 PROPOSED STAIRS
- 11 PROPOSED LANDSCAPE BOULDERS
- 12 PROPOSED 5' GRAVEL TRAIL
- 13 PROPOSED WALL ~ 2.5'
- 14 U-RACK STYLE (OR SIMILAR) BIKE PARKING. FOUR 2.5' X 6' SPACES PER LOCATION. COVERED BIKE PARKING IS PROVIDED WITH EACH APARTMENT UNIT.

**UTILITY NOTES**

- 1 PROPOSED SEWER SERVICE
- 2 PROPOSED WATER SERVICE
- 3 PROPOSED FIRE SERVICE

**LOT 4 DATA:**

PROPOSED LOT SIZE = 120,865 SF = 2.77 ACRES

MINIMUM DENSITY = 7 UNITS PER ACRE  
 MAXIMUM DENSITY = 21.7 UNITS PER ACRE  
 NUMBER OF UNITS PROPOSED = 60 = 21.6 UNITS PER ACRE

MINIMUM PARKING = 1 SPACES PER UNIT = 60  
 PARKING SPACES PROPOSED = 63

OPEN SPACE REQUIRED = 200 SF PER UNIT = 12,000 SF  
 OPEN SPACE PROVIDED = 12,730 SF (DOG PARK, TRAIL AREA AND PATIO)

TOTAL LANDSCAPED AREA = 21,865 SF (18.1% OF SITE AREA)

MAX BUILDING HEIGHT = 45'  
 PROPOSED BUILDING HEIGHT = 39' - 1-1/2'

**SITE AND UTILITY PLAN NORTH**  
 1" = 20'



**STONE OAK ZONE CHANGE,  
 SUBDIVISION & SITE PLAN**

**PLANNING DRAWINGS**

**SITE AND UTILITY PLAN NORTH**

CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

**BECON**  
 CIVIL ENGINEERING & LAND SURVEYING

549 SW MILL VIEW WAY  
 SUITE 100  
 BEND, OREGON 97702  
 (541) 633-3140  
 www.beconeg.com

DESIGNED BY: AKP  
 DRAWN BY: CLH  
 SCALE: 1" = 20'  
 FILE: 22087  
 DATE: 11/3/2023

VERIFY SCALES  
 0 1"  
 BAR EQUALS ONE INCH  
 ON ORIGINAL DRAWING

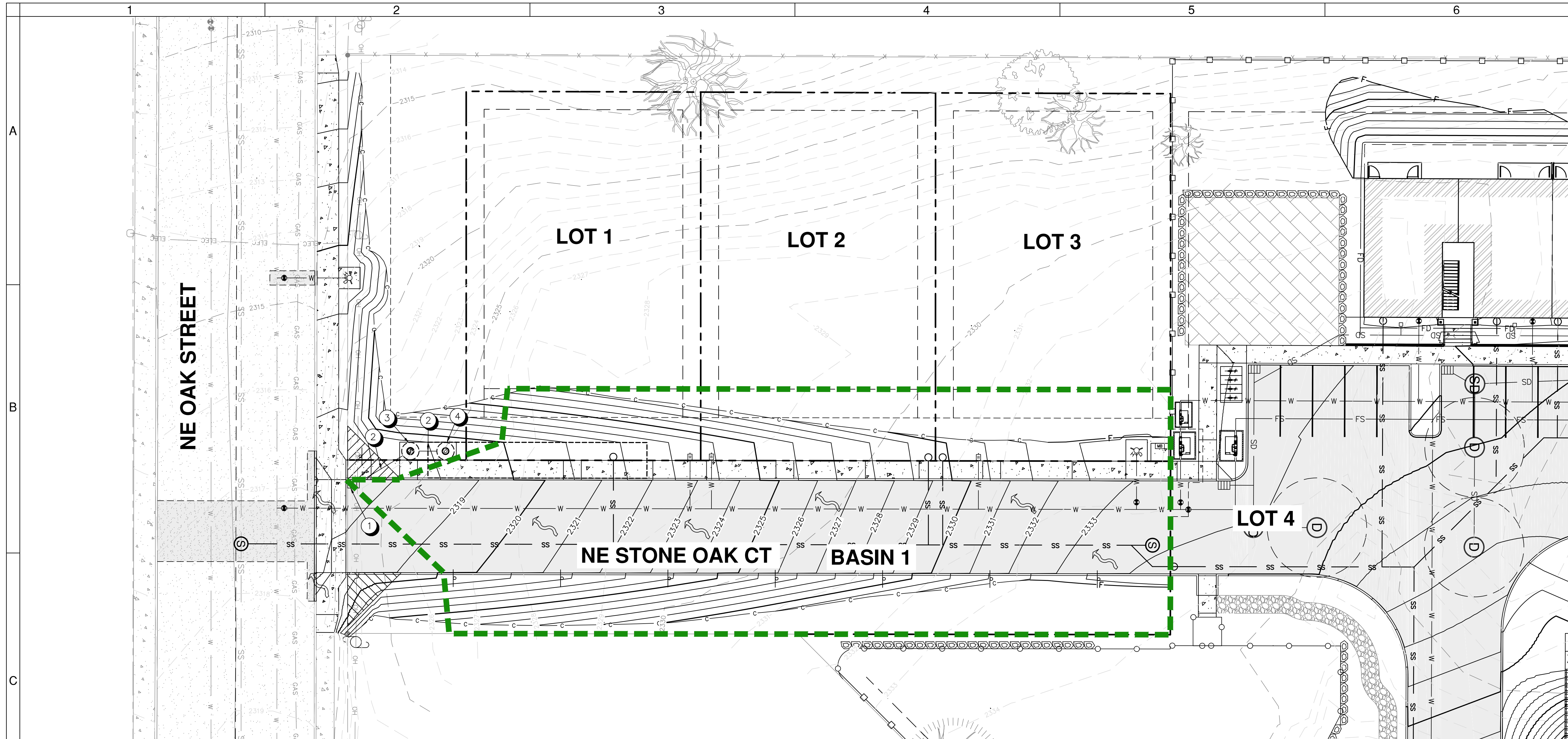
SHEET: **C - 4.1**

**5 OF 7**

CITY PROJECT#: TBD

**PLANNING SET**





**LEGEND:**

- PROPOSED MINOR CONTOUR 3582
- PROPOSED MAJOR CONTOUR 3585
- EXISTING MINOR CONTOUR 3582
- EXISTING MAJOR CONTOUR 3585
- PROPOSED STORM PIPE SD
- PROPOSED CATCH BASIN
- PROPOSED DRYWELL
- PROPOSED SEDIMENTATION MANHOLE
- PROPOSED FILL CATCH LINE F
- PROPOSED CUT CATCH LINE C
- PROPOSED DRAINAGE BASIN
- SURFACE FLOW ARROW

**DRAINAGE NOTES**

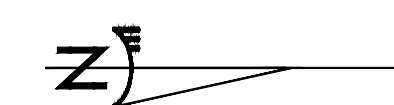
- ① PROPOSED CATCH BASIN
- ② PROPOSED 8" PVC STORM PIPE
- ③ PROPOSED SEDIMENTATION MANHOLE
- ④ PROPOSED DRYWELL

**STORMWATER CALCULATIONS**

6 MONTH = 0.8" / 25 YEAR = 2.1" / 100 YEAR = 2.6"

BASIN	IMPERVIOUS AREA (SF/AC) CN=98	PERVIOUS AREA (SF/AC) CN=89	25 YR STORM PEAK FLOW (CFS/GPM)	25 YR STORM VOLUME (CF/GAL)
1	10,647/0.24	3,338/0.08	0.456/204	2,002/14,976

**NOTE:**  
 • STORMWATER SYSTEM, INFILTRATION, AND TESTING TO BE DESIGNED PER COM AND COSM DESIGN STANDARDS FOR COM SUBDIVISION PERMIT.



**GRADING AND DRAINAGE PLAN SOUTH**

1" = 15'

PLANNING SET



**STONE OAK ZONE CHANGE,  
 SUBDIVISION & SITE PLAN**  
**PLANNING DRAWINGS**  
**GRADING AND DRAINAGE PLAN SOUTH**  
 CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

**BECON**  
 CIVIL ENGINEERING & LAND SURVEYING  
 549 SW MILL VIEW WAY  
 SUITE 100  
 BEND, OREGON 97702  
 (541) 633-3140  
 www.beconing.com

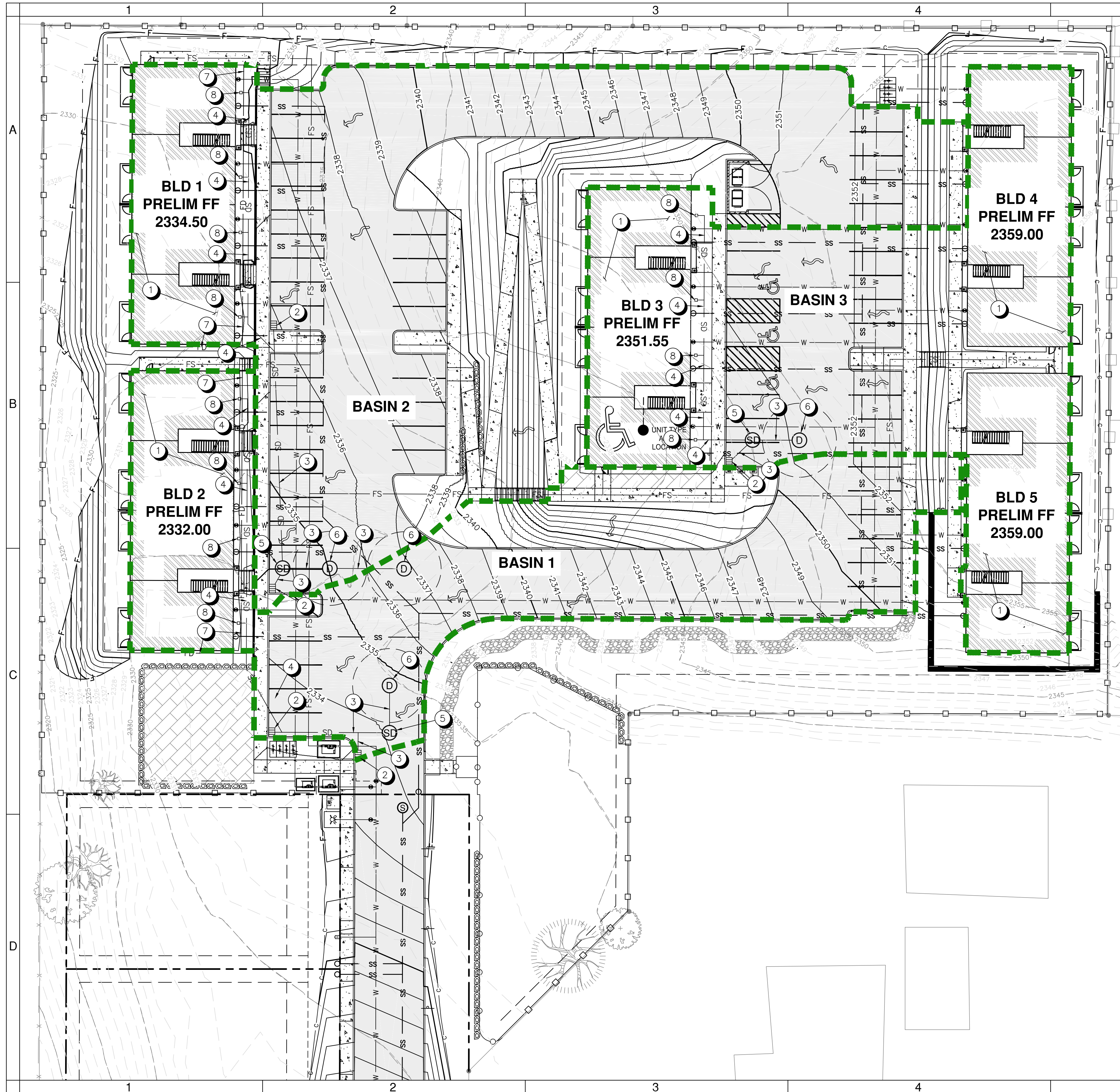
DESIGNED BY: AKP  
 DRAWN BY: CLH  
 SCALE: 1" = 15'  
 FILE: 22087  
 DATE: 11/3/2023

VERIFY SCALES  
 0 1"  
 BAR EQUALS ONE INCH  
 ON ORIGINAL DRAWING

SHEET:  
**C - 5.0**  
**6 OF 7**

CITY PROJECT#: TBD





**LEGEND:**

- PROPOSED MINOR CONTOUR 3582
- PROPOSED MAJOR CONTOUR 3585
- EXISTING MINOR CONTOUR 3582
- EXISTING MAJOR CONTOUR 3585
- PROPOSED STORM PIPE SD
- PROPOSED FOUNDATION DRAIN FD
- PROPOSED CATCH BASIN [Symbol]
- PROPOSED DRYWELL [Symbol]
- PROPOSED SEDIMENTATION MANHOLE [Symbol]
- PROPOSED FILL CATCH LINE F
- PROPOSED CUT CATCH LINE C
- PROPOSED DRAINAGE BASIN [Symbol]
- SURFACE FLOW ARROW [Symbol]

**DRAINAGE NOTES**

- 1 REFER TO ARCHITECTURAL PLANS FOR BUILDING ROOF DRAINAGE DESIGN
- 2 PROPOSED CATCH BASIN
- 3 PROPOSED 8" PVC STORM PIPE
- 4 PROPOSED 6" PVC STORM PIPE
- 5 PROPOSED SEDIMENTATION MANHOLE
- 6 PROPOSED DRYWELL
- 7 PROPOSED FOUNDATION DRAIN
- 8 PROPOSED 12" CATCH BASIN

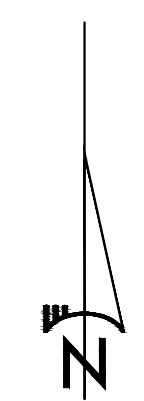
**STORMWATER CALCULATIONS**

6 MONTH = 0.8" / 25 YEAR = 2.1" / 100 YEAR = 2.6"

BASIN	IMPERVIOUS AREA (SF/AC) CN=98	PERVIOUS AREA (SF/AC) CN=89	25 YR STORM PEAK FLOW (CFS/GPM)	25 YR STORM VOLUME (CF/GAL)
1	16,098/0.37	3,235/0.07	0.656/294	2,915/21,806
2	26,050/0.60	8,033/0.18	1.111/499	4,880/36,505
3	20,214/0.46	1,614/0.04	0.745/334	3,312/24,775

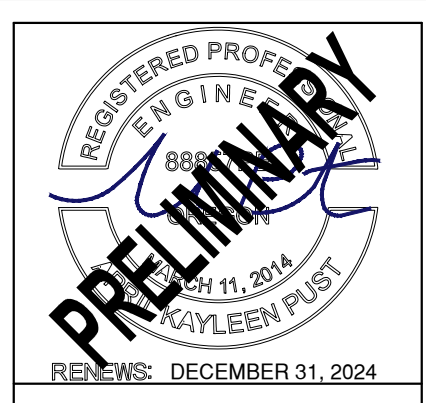
**NOTE:**

- STORMWATER SYSTEM, INFILTRATION, AND TESTING TO BE DESIGNED PER COM AND COSM DESIGN STANDARDS FOR COM BUILDING PERMIT.



**GRADING AND DRAINAGE PLAN**  
**NORTH**  
1" = 20'

PLANNING SET



**STONE OAK ZONE CHANGE,  
SUBDIVISION & SITE PLAN**  
**PLANNING DRAWINGS**  
**GRADING AND DRAINAGE PLAN**  
CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

**BECON**  
Civil Engineering  
& Land Surveying  
549 SW MILL VIEW WAY  
SUITE 100  
BEND, OREGON 97702  
(541) 633-3140  
www.beconing.com

DESIGNED BY: AKP  
DRAWN BY: CLH  
SCALE: 1" = 20'  
FILE: 22087  
DATE: 11/3/2023

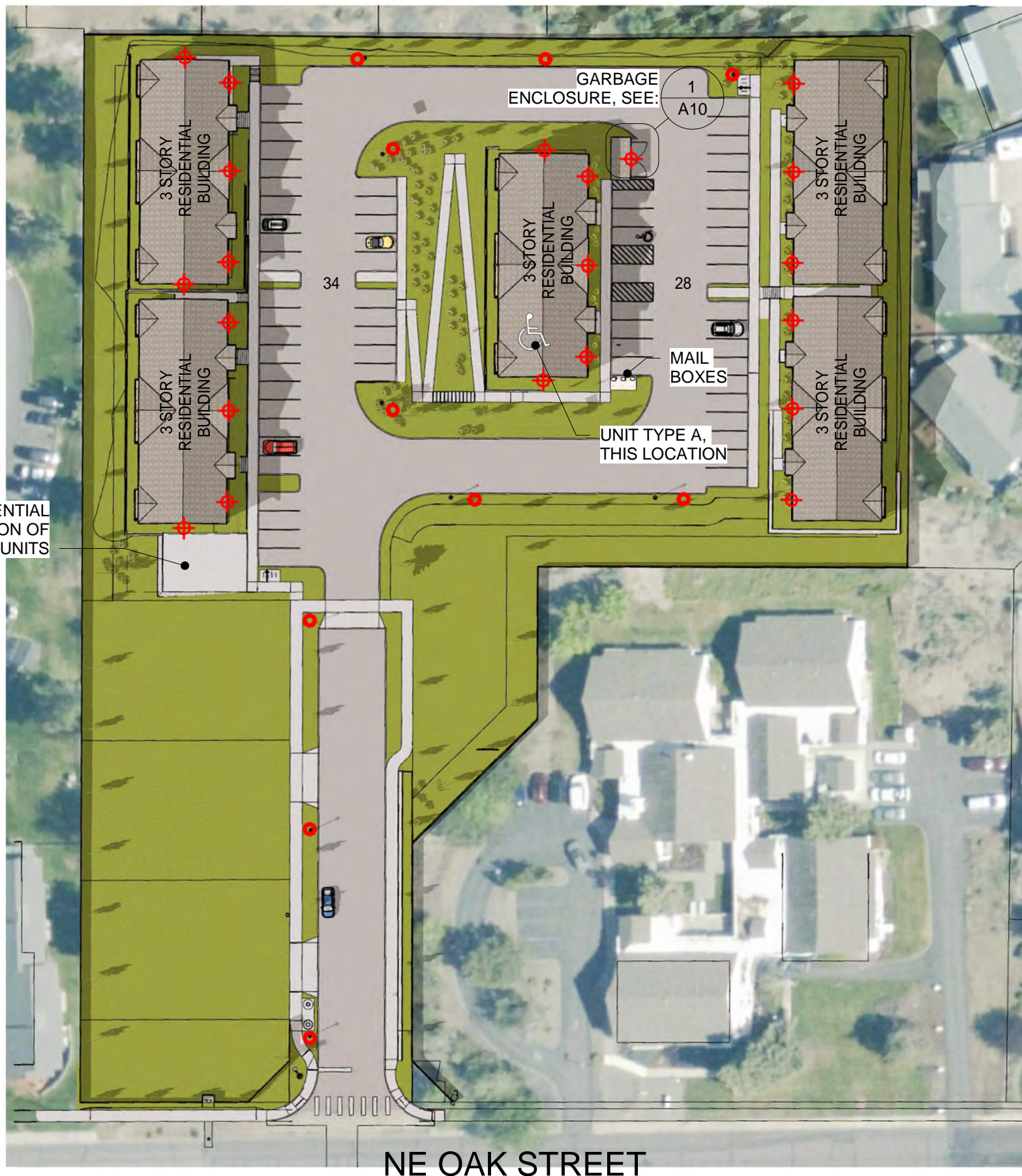
VERIFY SCALES  
0 1"  
BAR EQUALS ONE INCH  
ON ORIGINAL DRAWING

SHEET: C - 5.1

7 OF 7

CITY PROJECT#: TBD





**PROJECT STATISTICS:**



60 UNITS  
 1 TYPE A UNIT  
 PARKING: 62 SPACES  
 SITE AREA: APPROX. 3.489 AC.

**UNIT MIX WITH CURRENT CONFIGURATION\*:**

ONE BEDROOM:	16%	(TYPICAL AREA 705 SF)
TWO BEDROOM:	66%	(TYPICAL AREA 850 SF)
THREE BEDROOM:	16%	(TYPICAL AREA 995 SF)

\*UNIT MIX CAN CHANGE PER FLOOR TO INCREASE ONE AND TWO BEDROOM UNITS

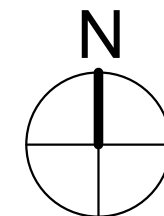
**LIGHTING LEGEND**

-  LED WALL PACK
-  PEDESTRIAN WALK POST MOUNTED LAMP

POTENTIAL  
 LOCATION OF  
 STORAGE UNITS

① SITE PLAN  
 1" = 60'-0"

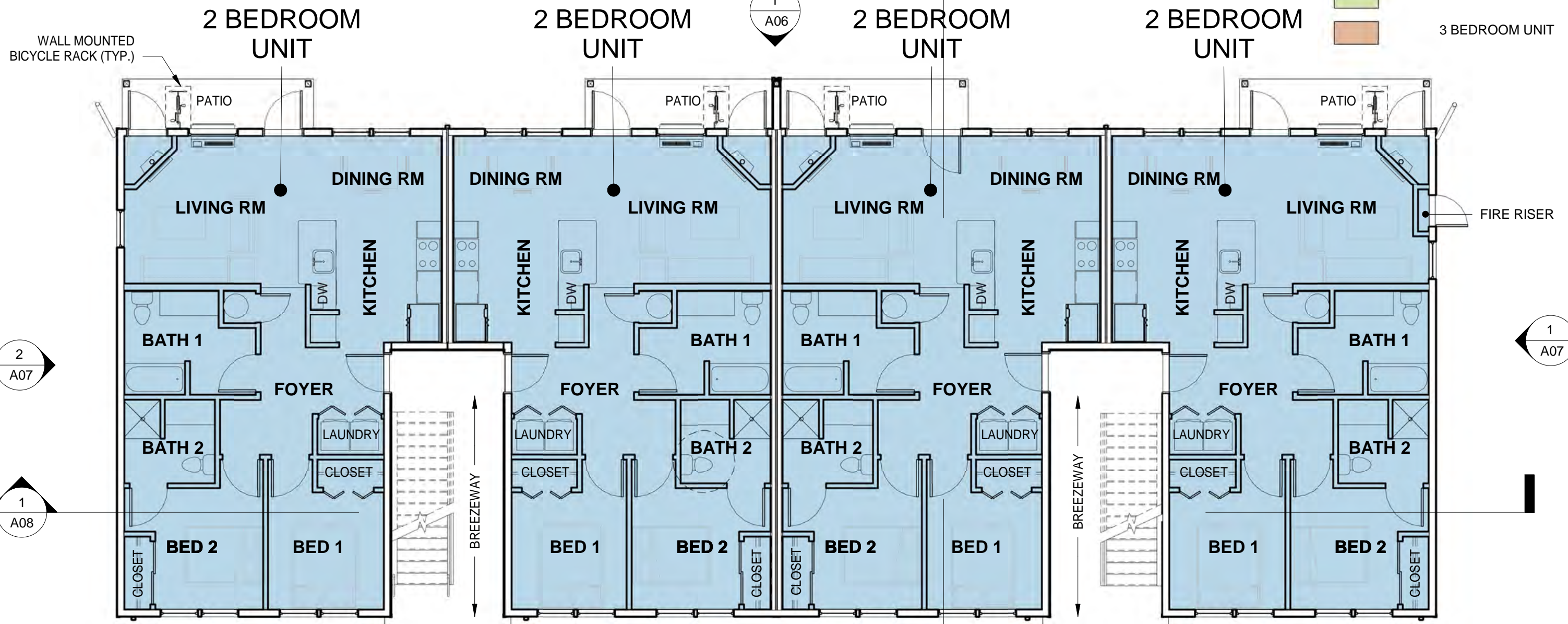
NE OAK STREET





**UNIT TYPE LEGEND**

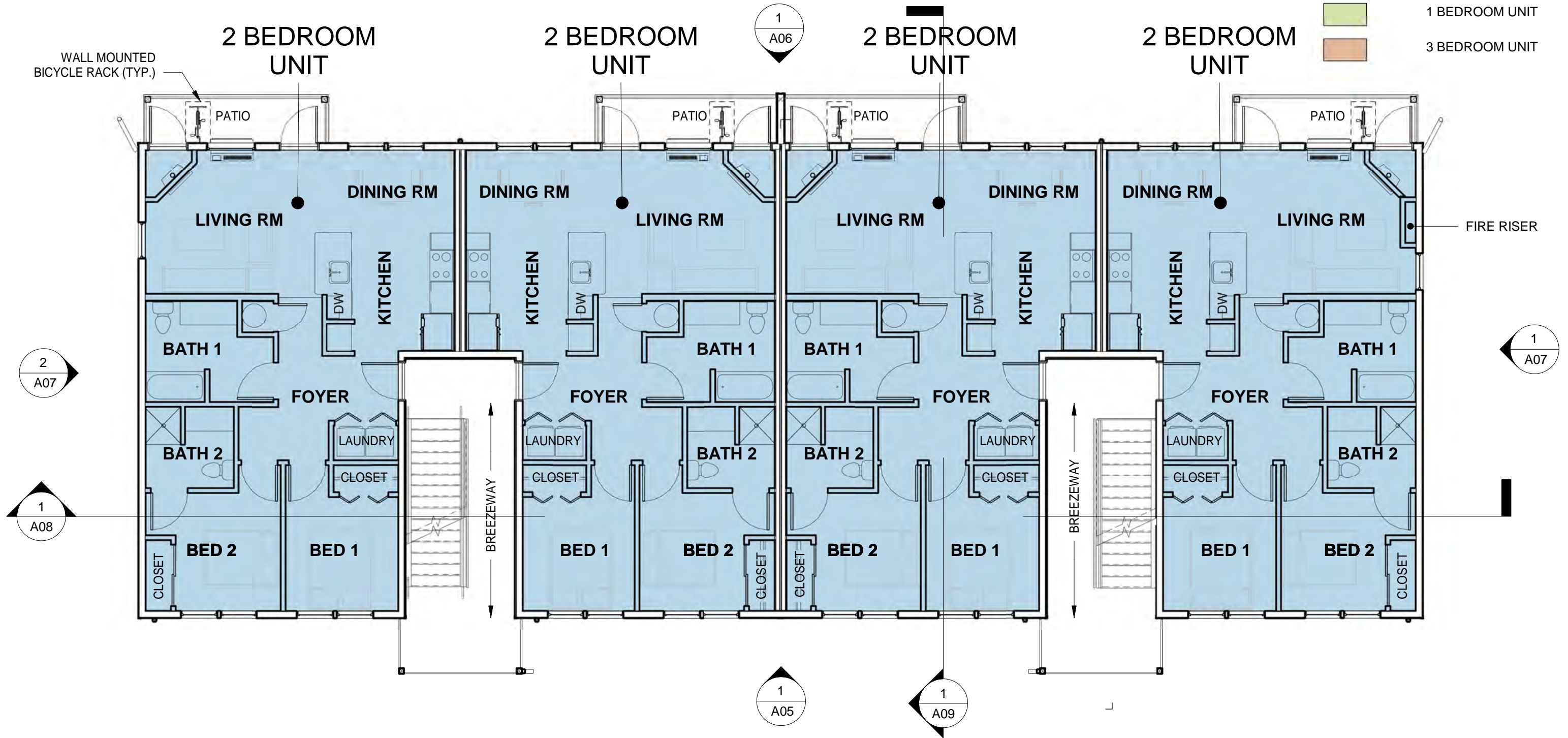
- 2 BEDROOM UNIT
- 1 BEDROOM UNIT
- 3 BEDROOM UNIT



1 LEVEL 1  
1/8" = 1'-0"

**UNIT TYPE LEGEND**

- 2 BEDROOM UNIT
- 1 BEDROOM UNIT
- 3 BEDROOM UNIT

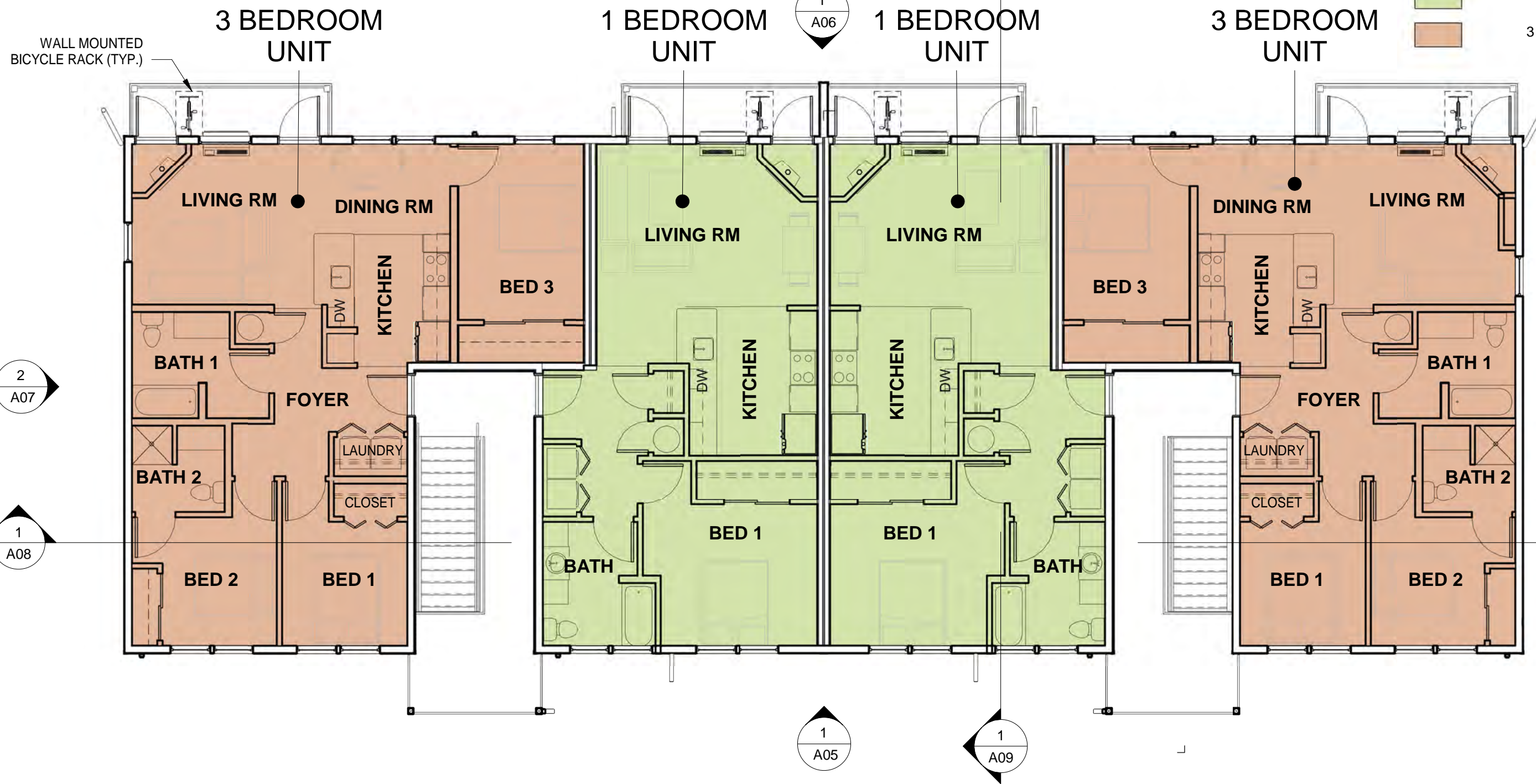


1 LEVELS 2  
1/8" = 1'-0"



**UNIT TYPE LEGEND**

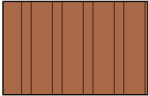
- 2 BEDROOM UNIT
- 1 BEDROOM UNIT
- 3 BEDROOM UNIT



1 LEVEL 3  
1/8" = 1'-0"



# EXTERIOR FINISH LEGEND

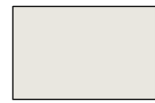
-  INDICATES AREA OF PAINTED WOOD TRIM. COLOR: LIGHT GRAY
-  INDICATES AREA OF HORIZONTAL WOOD SHAKES EXPOSURE.
-  INDICATES AREA OF VERTICAL WOOD SIDING. NATURAL COLOR POLYURETHANE FINISH.
-  INDICATES AREA COMPOSITE SHINGLE ROOF.
-  INDICATES AREA OF HORIZONTAL WOOD SIDING 6" EXPOSURE.



① SOUTH ELEVATION PRESENTATION  
1/8" = 1'-0"



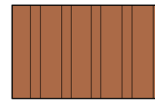
## EXTERIOR FINISH LEGEND



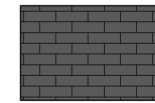
INDICATES AREA OF PAINTED WOOD TRIM. COLOR: LIGHT GRAY



INDICATES AREA OF HORIZONTAL WOOD SHAKES EXPOSURE.



INDICATES AREA OF VERTICAL WOOD SIDING. NATURAL COLOR POLYURETHANE FINISH.



INDICATES AREA COMPOSITE SHINGLE ROOF.



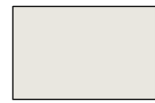
INDICATES AREA OF HORIZONTAL WOOD SIDING 6" EXPOSURE.



① NORTH ELEVATION PRESENTATION  
1/8" = 1'-0"



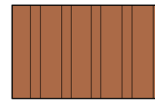
## EXTERIOR FINISH LEGEND



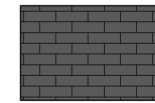
INDICATES AREA OF PAINTED WOOD TRIM. COLOR: LIGHT GRAY



INDICATES AREA OF HORIZONTAL WOOD SHAKES EXPOSURE.



INDICATES AREA OF VERTICAL WOOD SIDING. NATURAL COLOR POLYURETHANE FINISH.



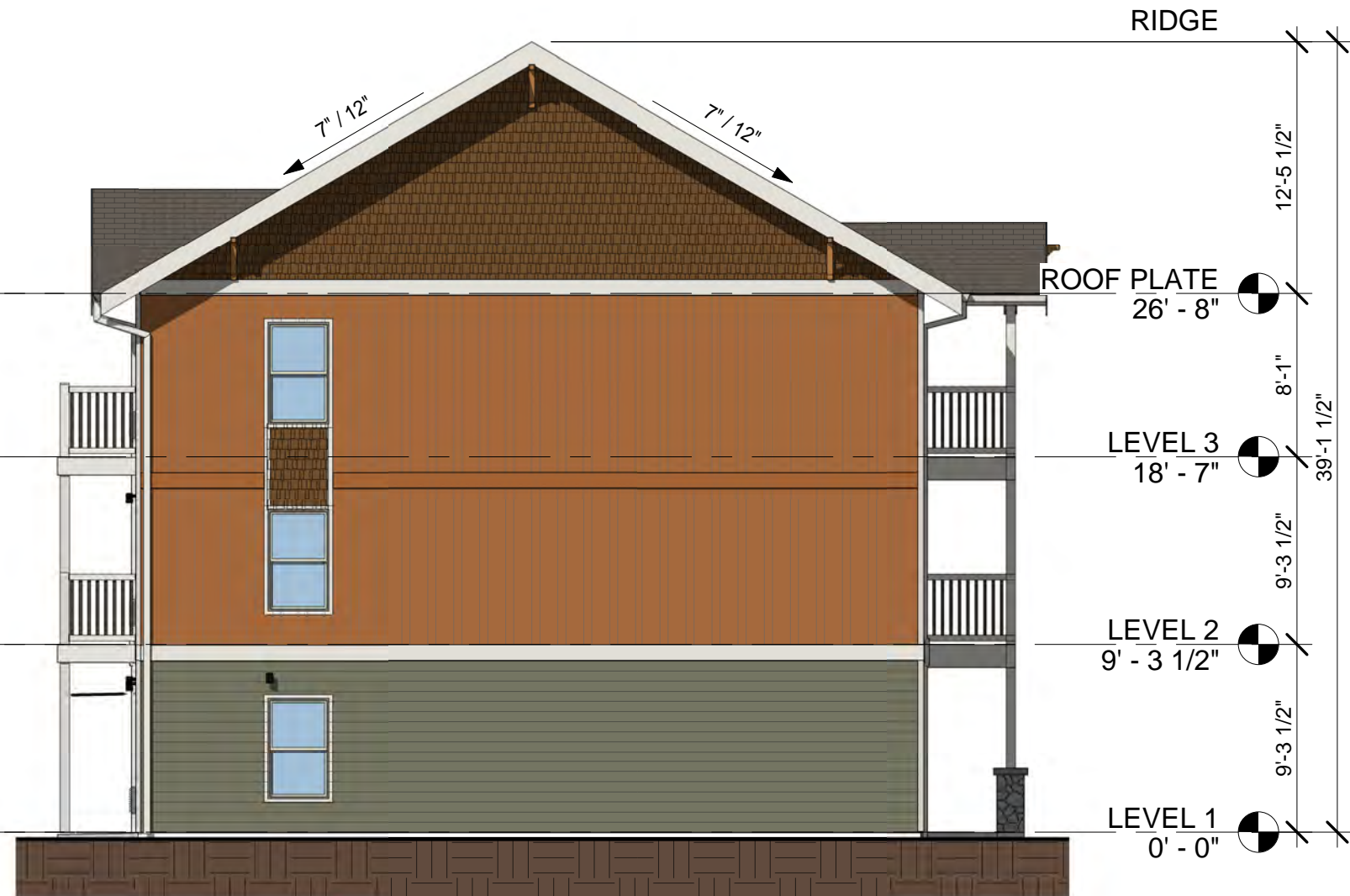
INDICATES AREA COMPOSITE SHINGLE ROOF.



INDICATES AREA OF HORIZONTAL WOOD SIDING 6" EXPOSURE.



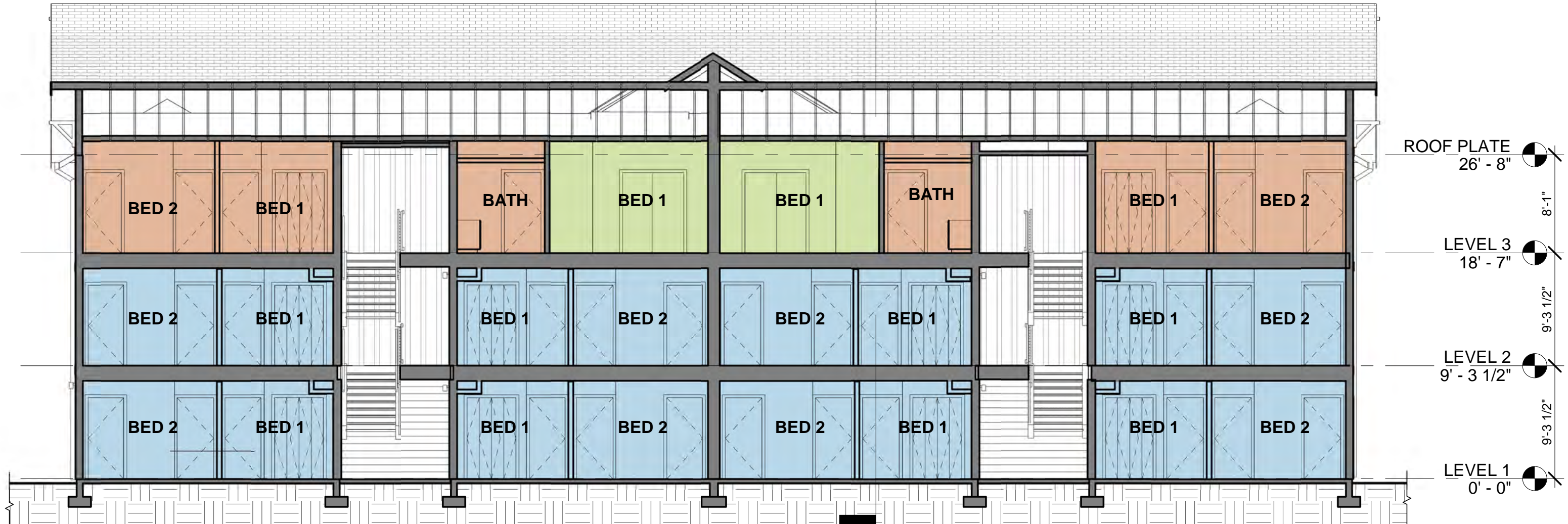
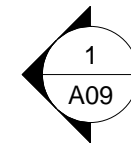
① END ELEVATION  
1/8" = 1'-0"



② END ELEVATION  
1/8" = 1'-0"

**UNIT TYPE LEGEND**

- 2 BEDROOM UNIT
- 1 BEDROOM UNIT
- 3 BEDROOM UNIT

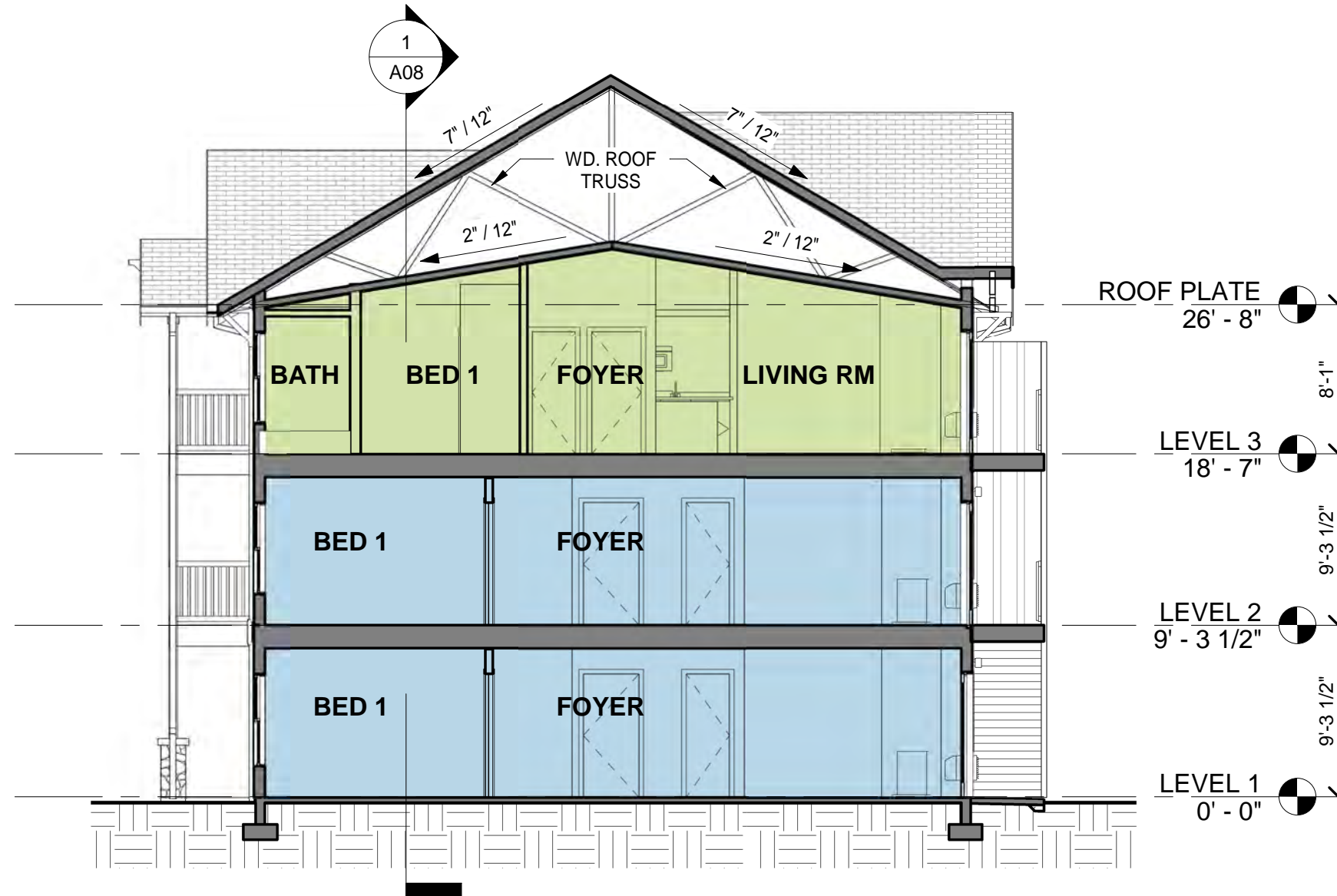


① BUILDING SECTION 1  
1/8" = 1'-0"



**UNIT TYPE LEGEND**

- 2 BEDROOM UNIT
- 1 BEDROOM UNIT
- 3 BEDROOM UNIT



① BUILDING SECTION 2  
1/8" = 1'-0"

## EXTERIOR FINISH LEGEND



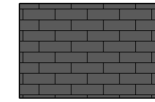
INDICATES AREA OF PAINTED WOOD TRIM. COLOR: LIGHT GRAY



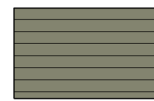
INDICATES AREA OF HORIZONTAL WOOD SHAKES EXPOSURE.



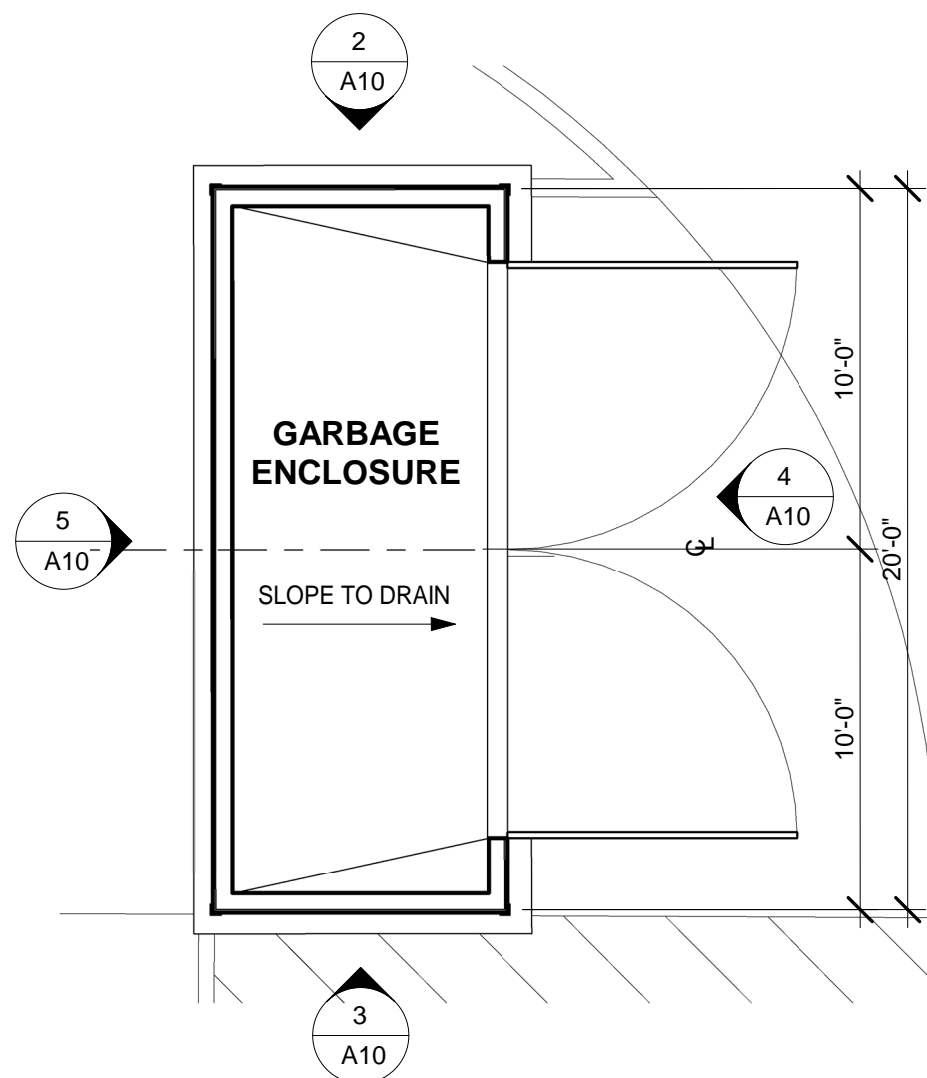
INDICATES AREA OF VERTICAL WOOD SIDING. NATURAL COLOR POLYURETHANE FINISH.



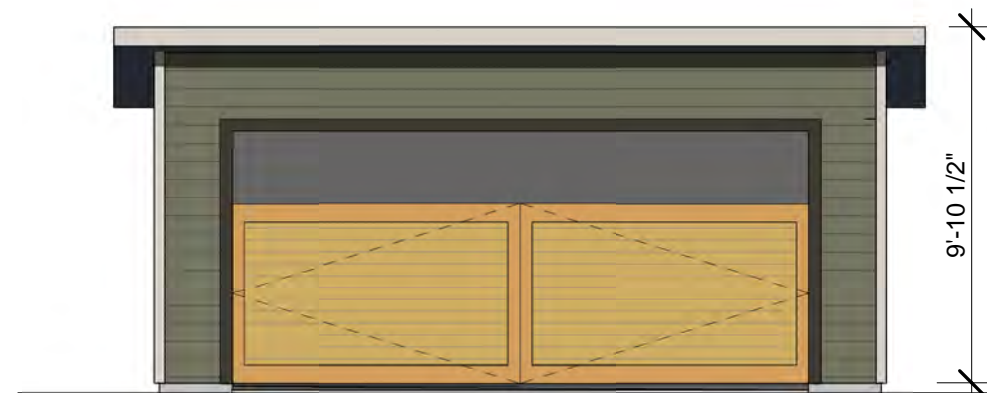
INDICATES AREA COMPOSITE SHINGLE ROOF.



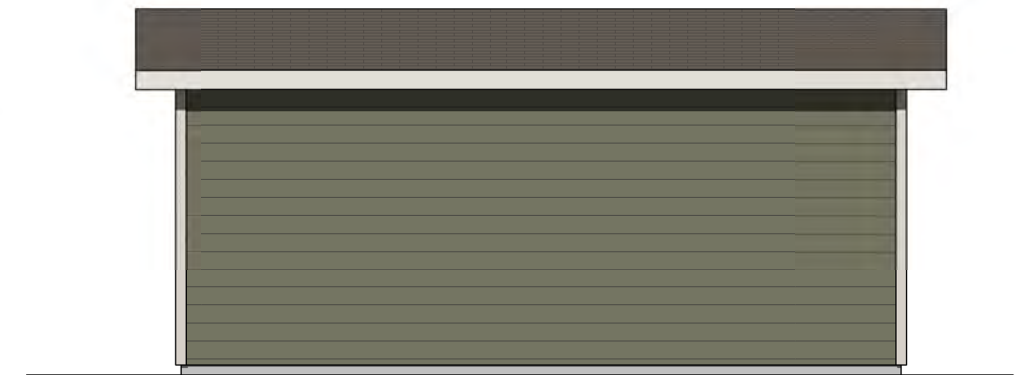
INDICATES AREA OF HORIZONTAL WOOD SIDING 6" EXPOSURE.



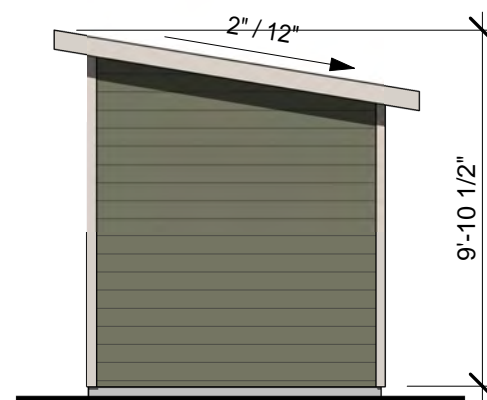
① GARBAGE ENCLOSURE PLAN  
3/16" = 1'-0"



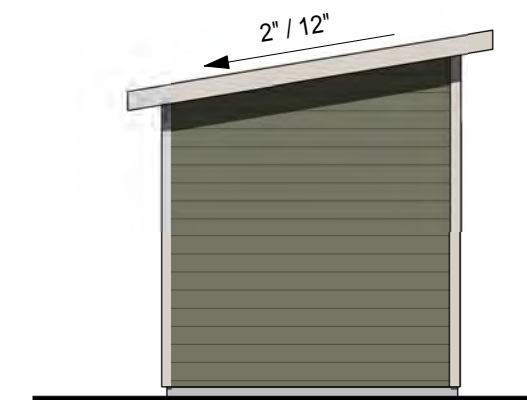
④ GARBAGE ENLOSURE ELEVATION - EAST  
3/16" = 1'-0"



⑤ GARBAGE ENLOSURE ELEVATION - WEST  
3/16" = 1'-0"



② GARBAGE ENLOSURE ELEVATION - NORTH  
3/16" = 1'-0"



③ GARBAGE ENLOSURE ELEVATION - SOUTH  
3/16" = 1'-0"

541

**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

A10

09 11 23





AERIAL VIEW LOOKING NORTHWEST

**541**  
**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

**A11**  
09 11 23





AERIAL VIEW LOOKING NORTHEAST

**541**  
**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

**A12**  
09 11 23





AERIAL VIEW LOOKING SOUTHEAST

**541**  
**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

**A13**  
09 11 23





AERIAL VIEW LOOKING SOUTHWEST

**541**  
**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

**A14**  
09 11 23





STREET VIEW LOOKING NORTHWEST

**541**  
**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

**A15**  
09 11 23





STREET VIEW LOOKING NORTH

**541**  
**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

**A16**  
09 11 23





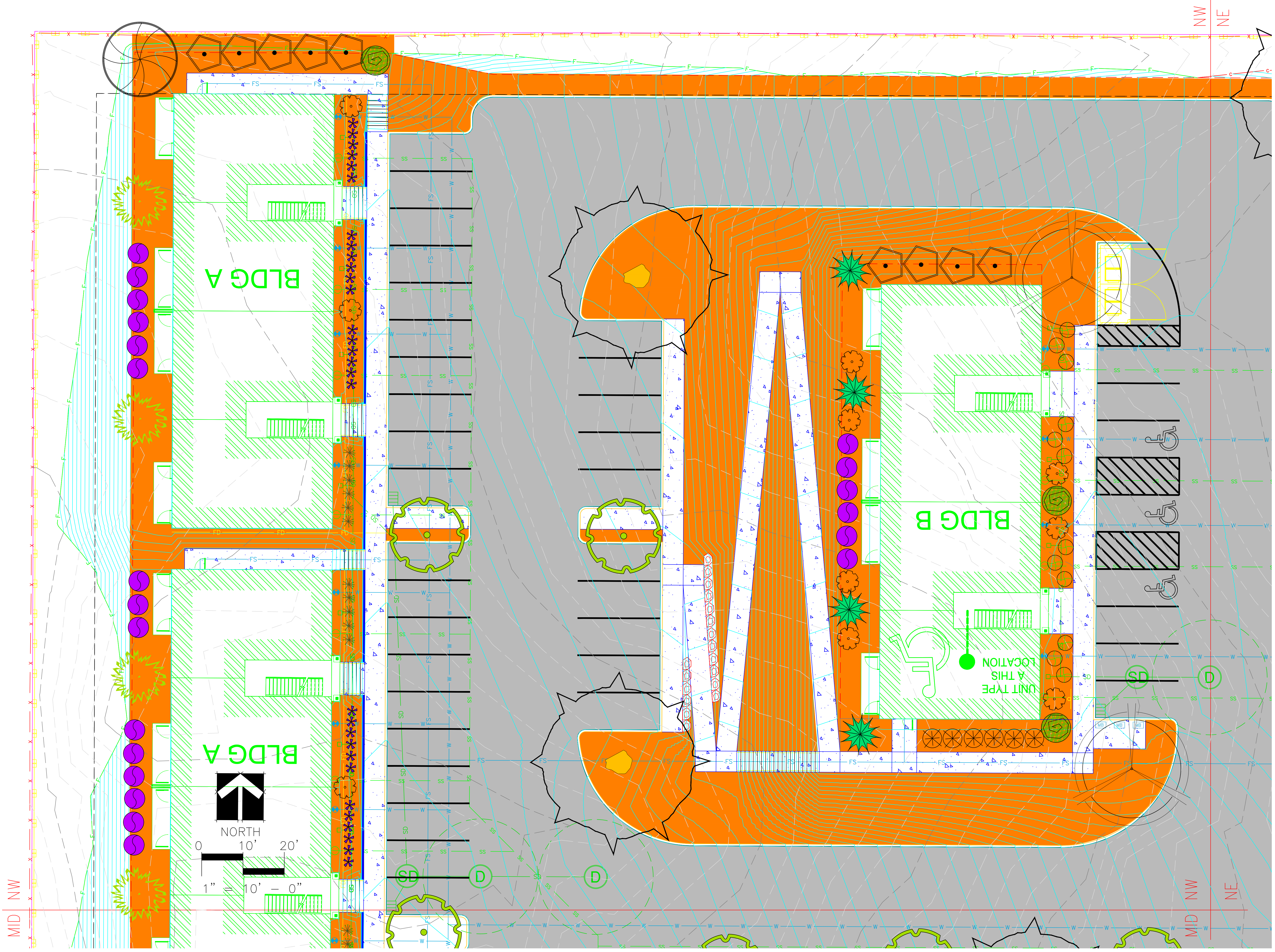
STREET VIEW LOOKING EAST

**541**  
**ARCHITECTURE** INC  
2958 NW 19TH STREET  
REDMOND, OREGON 97756  
PH. 541.788.5234

**OAK STREET APARTMENTS**  
MADRAS, OREGON

**A17**  
09 11 23





IF THESE PLANS ARE NOT SIGNED, CALL THE LANDSCAPE ARCHITECT TO ASSURE YOU HAVE THE CORRECT PLANS. FAILURE TO DO SO MAY RESULT IN LIABILITY FOR FOLLOWING INCOMPLETE PLANS.

PRELIMINARY LANDSCAPE PLAN NW  
 STONE OAK APARTMENTS  
 TL 111301CA02203  
 CITY OF MADRAS, OREGON

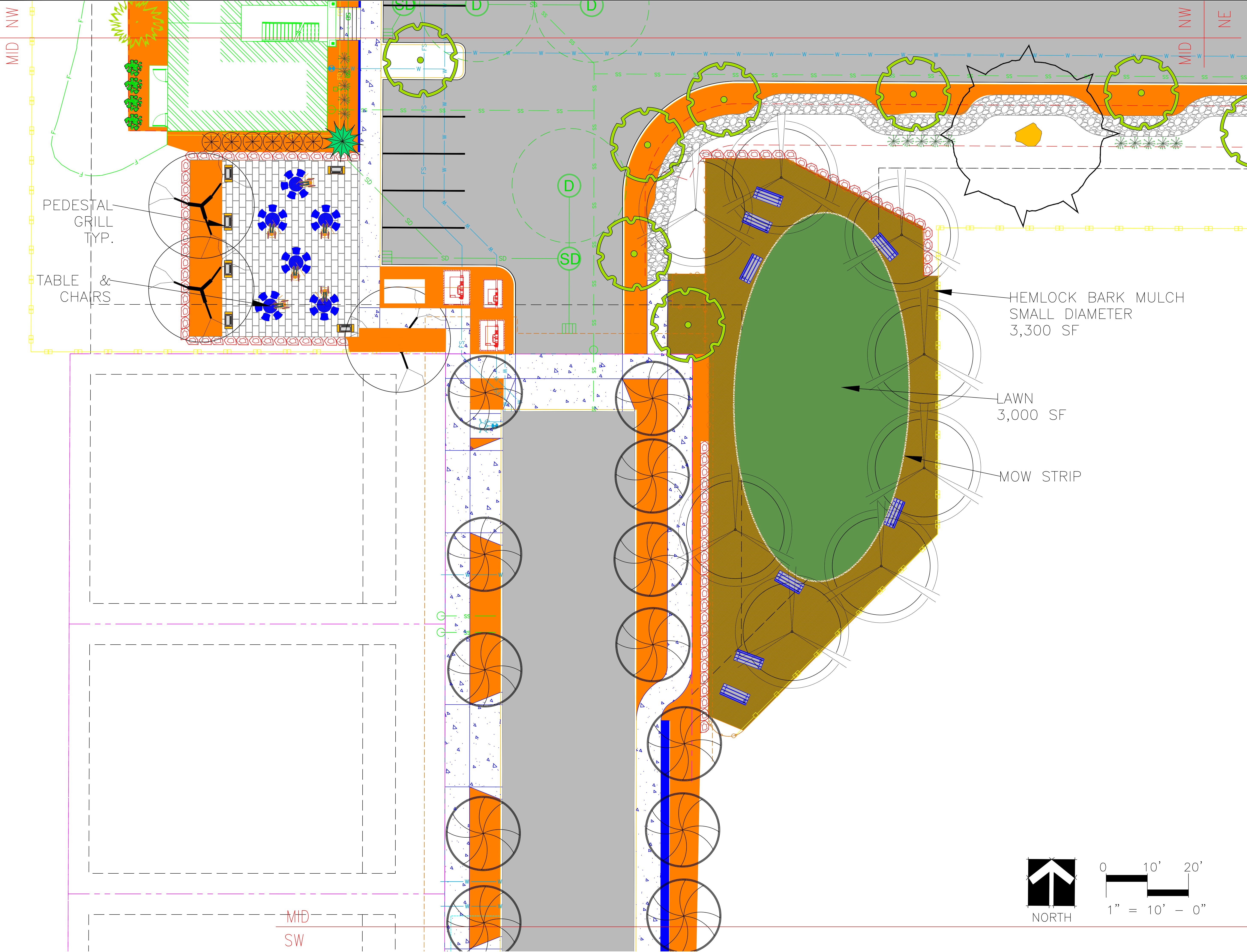
(541) 350-7436  
 P.O. Box 97  
 Powell Butte, OR 97753



DRAWING DATE:  
 SEPTEMBER 7, 2023

SHEET 1  
 OF 5





IF THESE PLANS ARE NOT SIGNED, CALL THE LANDSCAPE ARCHITECT TO ASSURE YOU HAVE THE CORRECT PLANS. FAILURE TO DO SO MAY RESULT IN LIABILITY FOR FOLLOWING INCOMPLETE PLANS.

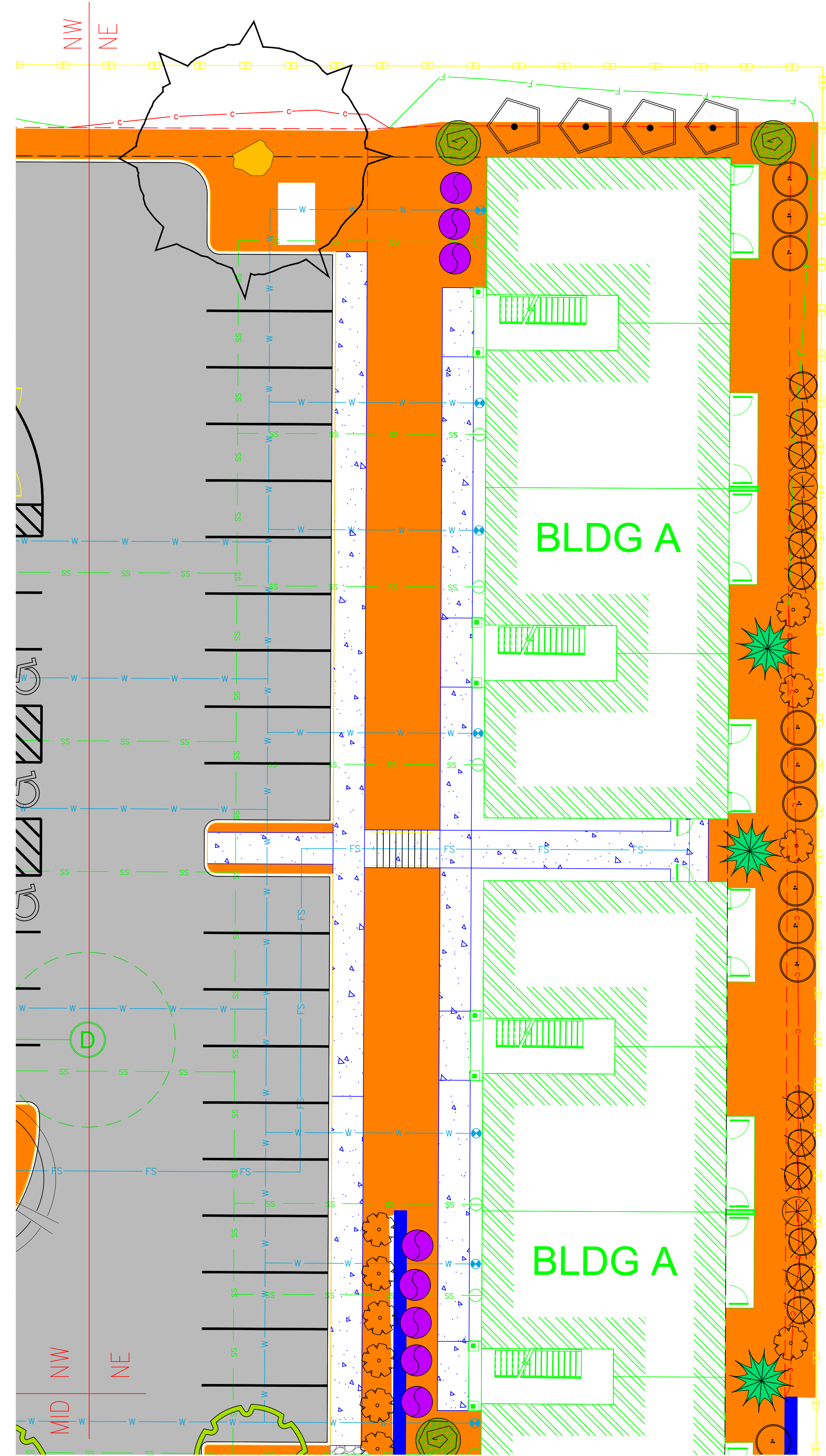
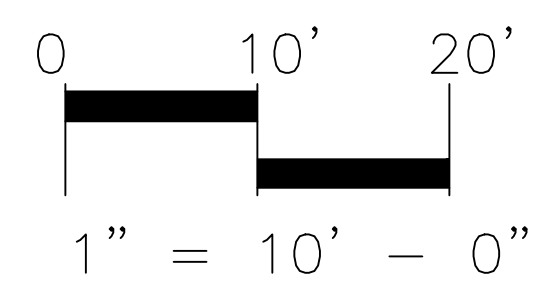
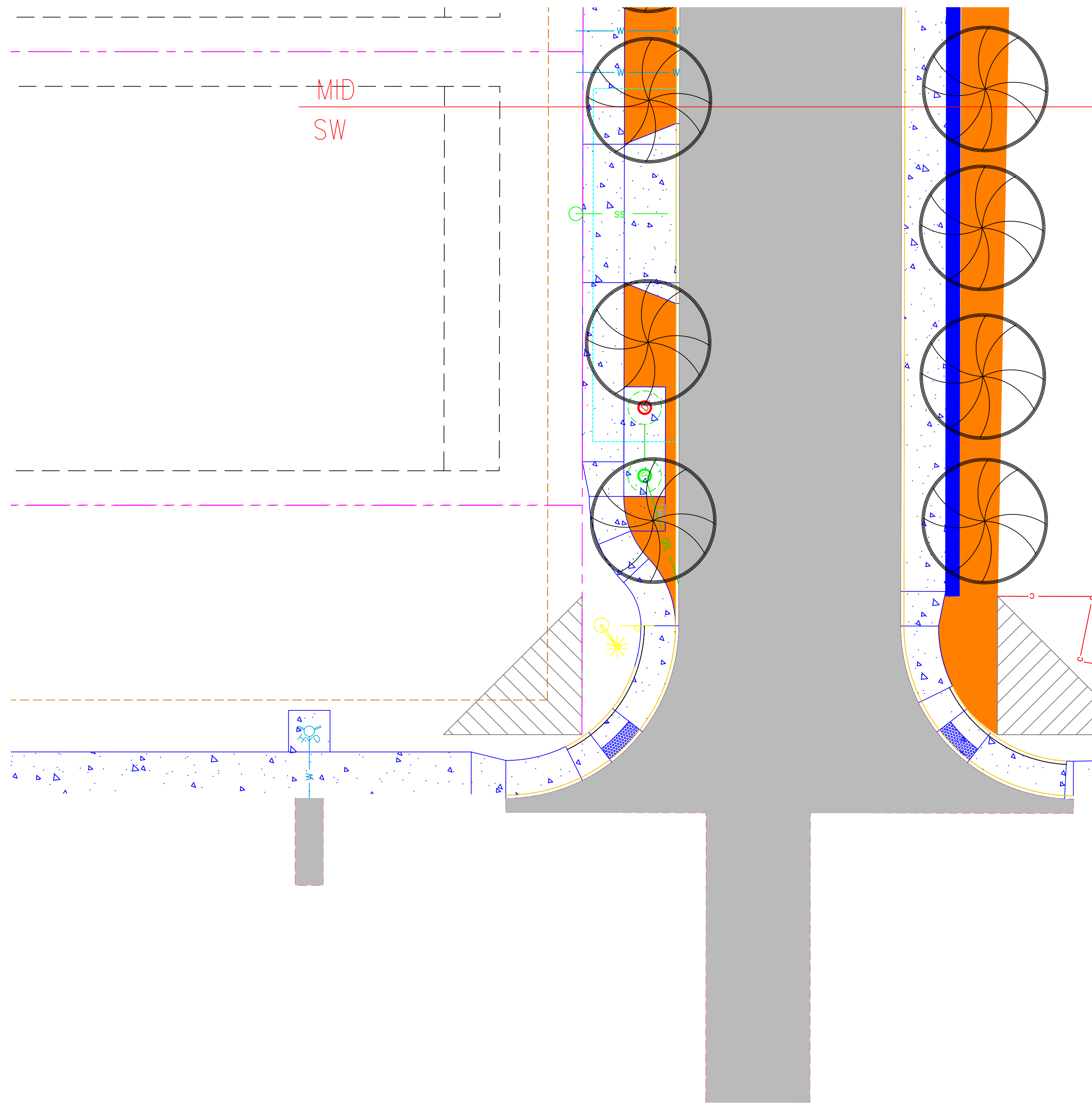
**PRELIMINARY LANDSCAPE PLAN MID**  
**STONE OAK APARTMENTS**  
 TL 111301CA02203  
 CITY OF MADRAS, OREGON

DappledEarth.com  
 (541) 350-7436  
 P.O. Box 97  
 Powell Butte, OR 97753  
**dappled earth**  
 DESIGNS TO NURTURE LIFE!

DRAWING DATE:  
 SEPTEMBER 7, 2023

SHEET 2  
 OF 5





IF THESE PLANS ARE NOT SIGNED, CALL THE LANDSCAPE ARCHITECT TO ASSURE YOU HAVE THE CORRECT PLANS. FAILURE TO DO SO MAY RESULT IN LIABILITY FOR FOLLOWING INCOMPLETE PLANS.

PRELIMINARY LANDSCAPE PLAN SW NE  
 STONE OAK APARTMENTS  
 TL 111301CA02203  
 CITY OF MADRAS, OREGON

DappledEarth.com  
 EILEEN OBERMILLER  
 P.O. Box 97  
 Powell Butte, OR 97753  
 (541) 350-7436



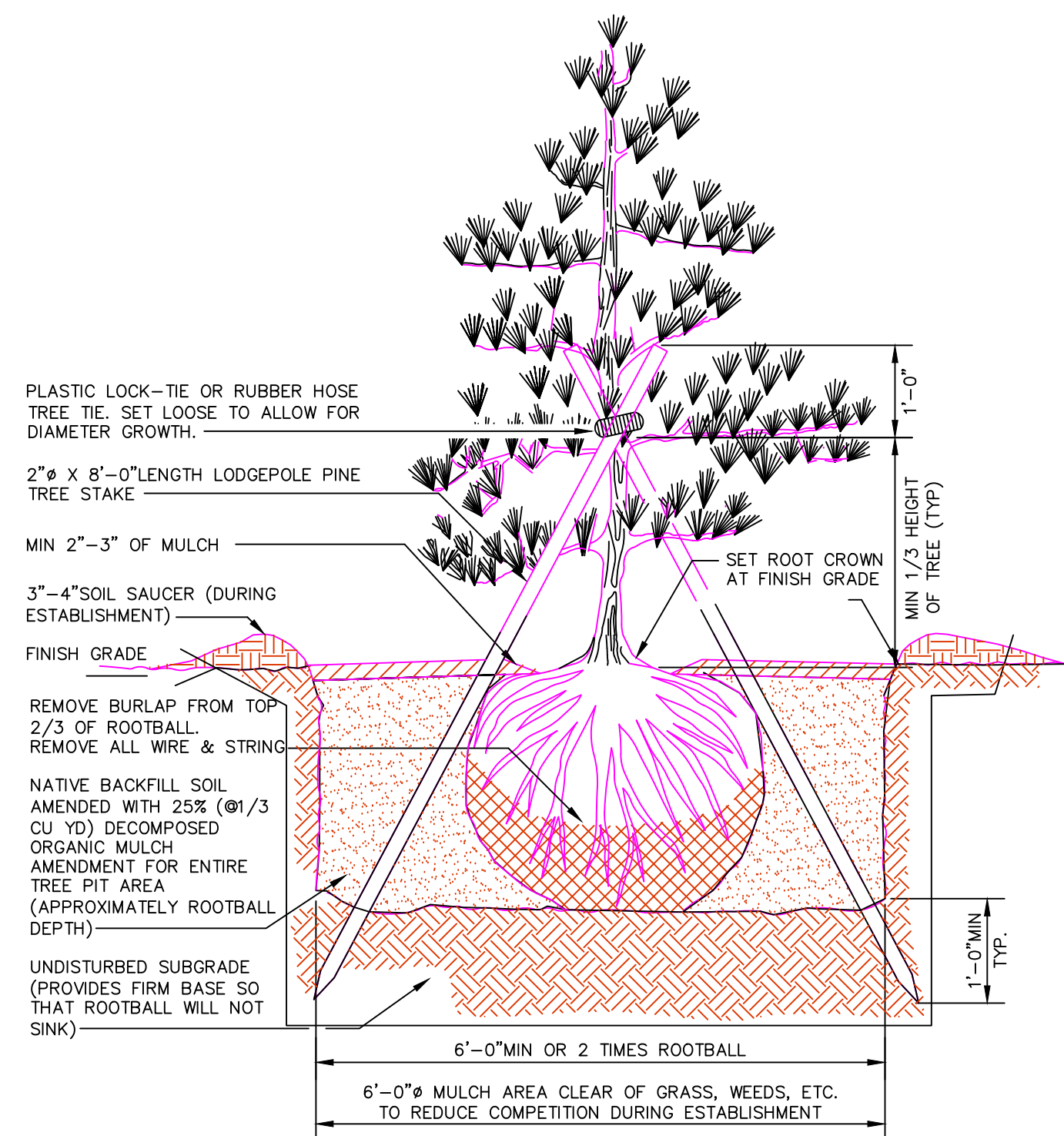
DRAWING DATE:  
 SEPTEMBER 7, 2023

SHEET 3  
 OF 5



PLANT & MATERIAL LIST

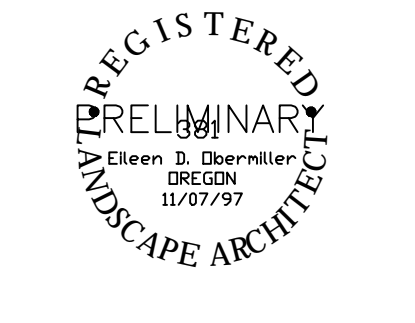
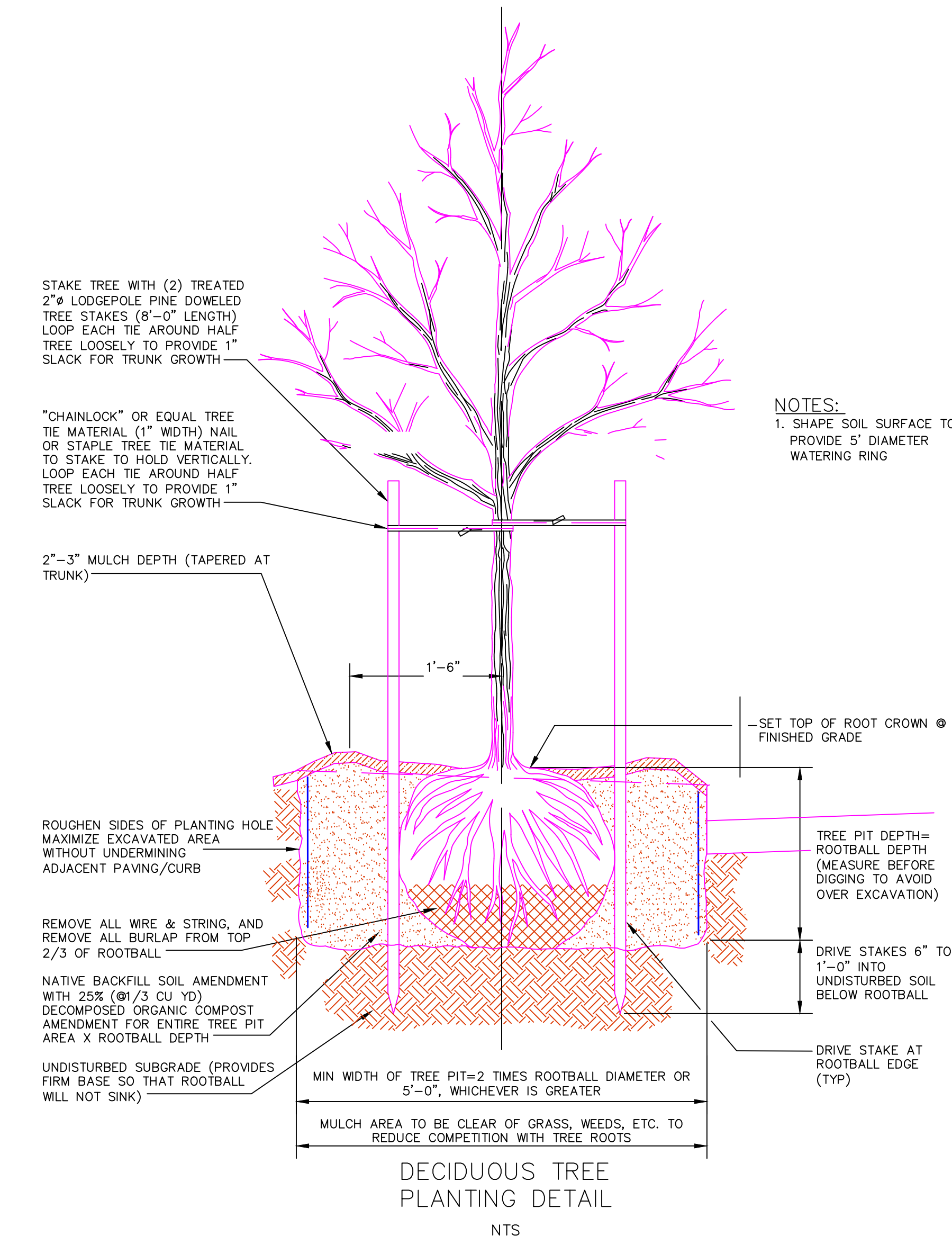
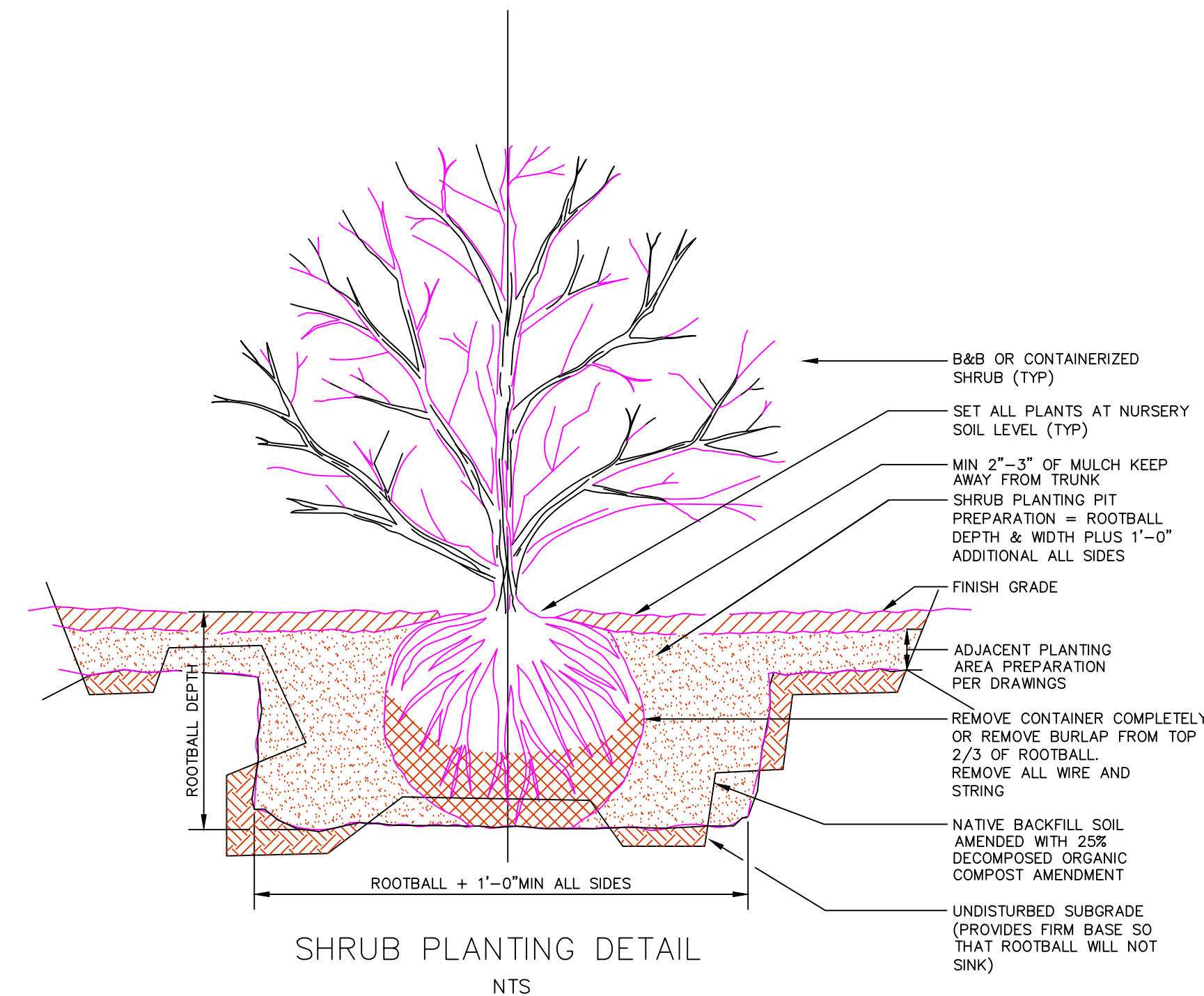
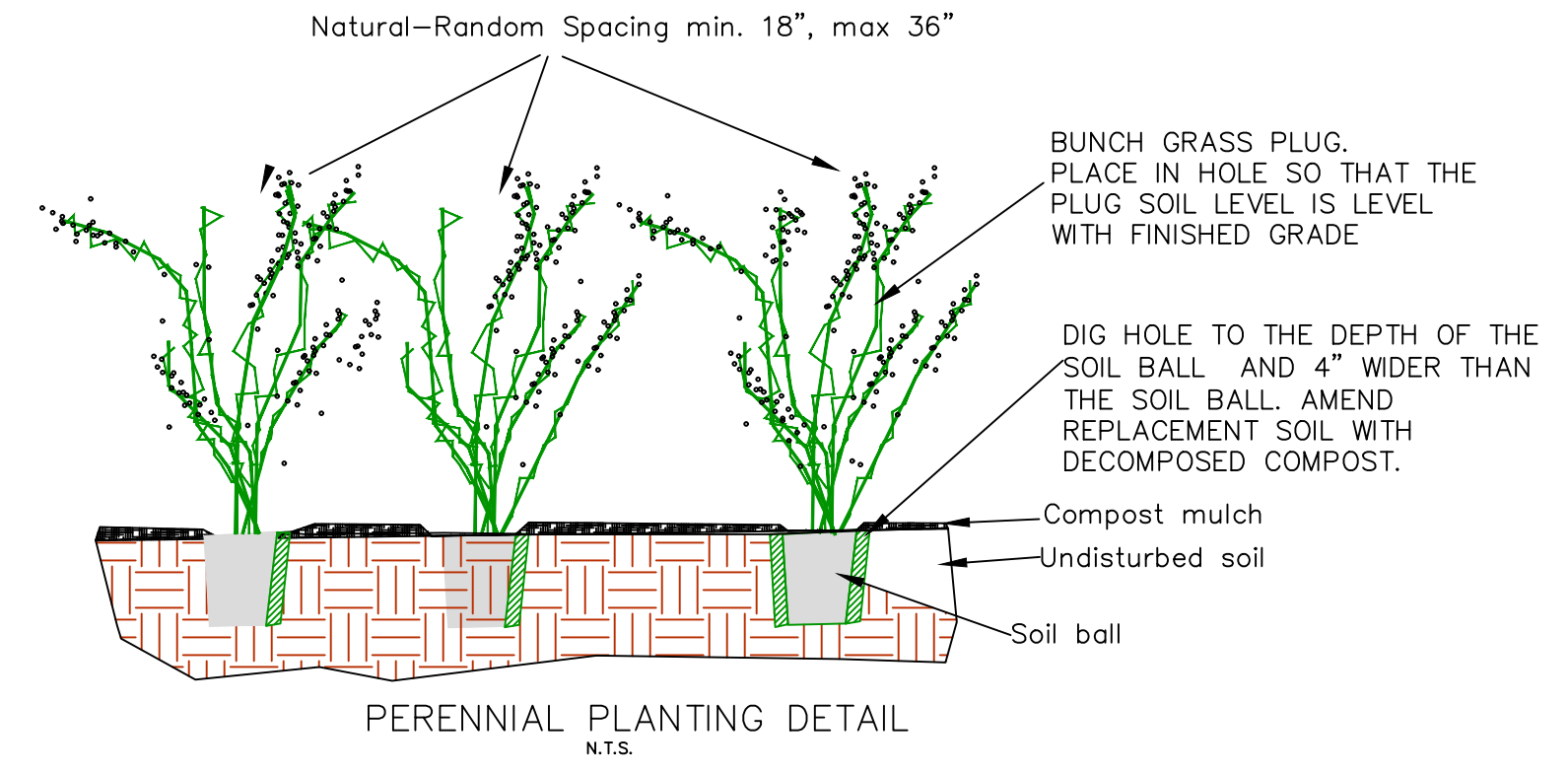
	SYMBOL	BOTANICAL NAME COMMON NAME	QTY.	SIZE @ PLANTING	MATURE HEIGHT X WIDTH
TREES		BETULA NIGRA RIVER BIRCH	3	1" DBH	20-50' X 15-40'
		CERCIS CANADENSIS EASTERN REDBUD	13	1" DBH	20-30' X 15-20'
		KOELREUTERIA PANICULATA GOLDENRAIN TREE	18	1" DBH	20-30' X 15-20'
		FRAXINUS AMERICANA 'JUNGINGER' AUTUMN PURPLE ASH	10	1" DBH	50' X 30'
		LARIX KAEMPFERI 'DIANA' DIANA JAPANESE LARCH	7	1" DBH	25' X 13'
		PICEA ABIES 'CUPRESSINA' COLUMNAR SPRUCE	8	8' TALL	60' X 10'
		PINUS FLEXILIS 'VANDERWOLK' VANDERWOLF PINE	3	8' TALL	30-40' X 12-15'
		PINUS THUNBERGII THUNDERHEAD' THUNDERHEAD JAPANESE BLACK PINE	4	8' TALL	10' X 15'
		QUERCUS RUBRA RED OAK	4	1.5" DBH	60' X 60'
SHRUBS, PERENNIALS, GRASSES, & GROUND COVERS		CARYOPTERIS BLUEBEARD	30	3 GAL.	3-5' TW
		DAPHNE X BURKWOODII CAROL MACKIE CAROL MARRIE DAPHNE	12		3-4' TW
		FOTHERGILLA MAJOR FOTHERGILLA	12	3 GAL.	5-6' TW
		HELICTOTRICHON SEMPERVIRENS BLUE OAT GRASS	26		2-3' TW
		HYDRANGEA PANICULATA HYDRANGEA	13	1 GAL.	3-5' X 4-6'
		PANICUM VIRGATUM 'SHENANDOAH' SHENANDOAH SWITCH GRASS	31		4' X 2.5'
		PHILADELPHUS X VIRGINALIS 'MINNESOTA SNOWFLAKE' MOCKORANGE 'MINNESOTA SNOWFLAKE'	18		6-8' X 6'
		ROSA MEIDLAND GROUND COVER MEIDLAND ROSE GROUND COVER	12		1-2' X 3-4'
		SORBARIA SORBIFOLIA FALSE SPIREA	13		5-10'
		VIBURNUM TRILOBUM 'COMPACTUM' COMPACT AMERICAN CRANBERRY	20		4-6' TW
NOT SHOWN	NATIVE SEED MIX: IDAHO FESCUE, FLAX, BLUEBUNCH WHEATGRASS	ALL DISTURBED AREAS NOT PLANTED OR MULCHED			
		SOD, TALL TURF TYPE FESCUE	3,000 SF		
OTHER		1' ASPEN GRAVEL SCREENED	2,200 SF		
		HEMLOCK BARK FINE MULCH SPLINTERLESS	3,300 SF		
		KAY PARK RECREATION PEDSTAL GRILL OR EQUAL	PER PLAN		
		TROPITONE DISTRICT 42" ROUND PICNIC TABLE ADA COMPLIANT URBAN BRONZE (OR EQUAL)	PER PLAN		
		YACHT CLUB GARDEN BENCH, TREX OR EQUAL MOVEABLE BENCH, 4' & 6' LONG	PER PLAN		



**IMPORTANT**  
DO NOT ROTOTILL OR OTHERWISE DISTURBED SOILS THAT ARE IN THEIR NATURAL CONDITION. WHEN PLANTING OR SEEDING IN UNDISTURBED AREAS, DIG A HOLE ONLY AS DEEP AS THE PLANT'S ROOT BALL.

IF SEEDING IN UNDISTURBED AREAS, GENTLY RAKE IN SEED IN THE TOP 1/2" OF SOIL & COVER WITH COMPOST MULCH APPROXIMATELY 1/2" DEEP.

DO ROTOTILL ALL COMPACTED AREAS BEFORE PLANTING.



IF THESE PLANS ARE NOT SIGNED, CALL THE LANDSCAPE ARCHITECT TO ASSURE YOU HAVE THE CORRECT PLANS. FAILURE TO DO SO MAY RESULT IN LIABILITY FOR FOLLOWING INCOMPLETE PLANS.

PRELIMINARY LANDSCAPE PLAN CENTRAL  
STONE OAK APARTMENTS  
TL 111301CA022203  
CITY OF MADRAS, OREGON

(541) 350-7436  
P.O. Box 97  
Powell Butte, OR 97753

DappledEarth.com  
EILEEN OBERMILLER



DRAWING DATE:  
SEPTEMBER 7, 2023

SHEET 4  
OF 5



CONTRACTOR PLAN REVIEW:

CONTRACTOR IS RESPONSIBLE FOR REVIEWING THESE PLANS THOROUGHLY BEFORE BEGINNING WORK. CONTRACTOR SHALL BRING TO THE LANDSCAPE ARCHITECT'S ATTENTION ANY CONCERNS HE MAY HAVE WITH THE PLANS, PLANT SELECTION, QUANTITIES, MATERIALS OR OTHER PLAN ITEMS BEFORE BEGINNING WORK. CONTRACTOR SHALL ALSO REVIEW THE SITE AND SHALL BRING TO THE LANDSCAPE ARCHITECT'S ATTENTION ANY CONCERNS HE MAY HAVE WITH THE SITE BEFORE BEGINNING WORK.

UTILITIES:

CONTRACTOR IS RESPONSIBLE FOR CALLING 811 AT LEAST 4 BUSINESS DAYS BEFORE BEGINNING WORK.

PROTECTION:

CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING TREES AND PLANTS, IRRIGATION, STRUCTURES, DRAINAGE STRUCTURES, AND OTHER SITE FEATURES DURING INSTALLATION AND SHALL REPAIR ANY DAMAGES TO THE SATISFACTION OF THE OWNER.

PLANT MATERIAL:

PLANTS SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY AND MEET STANDARDS DESCRIBED IN THE LATEST VERSION OF THE AMERICAN STANDARD FOR NURSERY STOCK PREPARED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION. PLANTS SHALL BE FREE OF DISEASE, INSECTS, WEEDS, EGGS, LARVAE, DEFECTS, INJURIES, OR DISFIGUREMENTS. SHOULD DISCREPANCIES OCCUR BETWEEN THE QUANTITIES ON THE PLANT LIST AND THOSE ON THE PLANS, THE PLANT QUANTITIES INDICATED ON THE PLAN SHALL GOVERN.

DO NOT SHEAR PLANTS UNLESS SPECIFICALLY CALLED OUT WITH TEXT OR DETAILS.

CONTRACTOR TO FIELD VERIFY PLANT COUNT. IF PLANT COUNT IN LIST CONFLICTS WITH PLAN COUNT, PLAN COUNT ON PLANS SHALL TAKE PRECEDENCE.

OWNER RETAINS THE RIGHT TO FURTHER INSPECT TREES AND SHRUBS AND TO REJECT UNSATISFACTORY OR DEFECTIVE MATERIALS AT ANY TIME DURING PROGRESS OF WORK AND THROUGH WARRANTY PERIOD. REMOVE REJECTED PLANTS AND/OR MATERIALS FROM PROJECT SITE AND REPLACE WITH ACCEPTABLE MATERIALS IMMEDIATELY AND AT NO CHANGE TO THE CONTRACT PRICE.

IF CONTRACTOR CANNOT LOCATE A PLANT AT THE LISTED SIZE, THEY SHALL SELECT THE NEXT CLOSEST SIZE UP AND INFORM THE OWNER.

WEED ABATEMENT:

CONTRACTOR TO REMOVE WEEDS BY HAND OR MECHANICALLY. CONTRACTOR MAY HIRE AN LICENSED CHEMICAL APPLICATOR TO KILL WEEDS. ALL WEEDS MUST THEN BE REMOVED FROM SITE.

PLANTING:

REMOVE GRAVEL, STONE, DEBRIS AND OTHER EXTRANEIOUS MATERIALS FROM ALL PLANTING AREAS BEFORE PLACING TOPSOIL, SOIL AMENDMENT AND BEFORE PLANTING. REMOVE FROM THE SITE EXISTING SOIL AS NECESSARY TO PLACE TOPSOIL, AMENDMENTS, AND/OR COMPOST MULCH.

EXCAVATED SOIL IN THE PLANT PIT AND PLANTING/SHRUB BEDS SHALL BE CLEANED OF ROCK DEBRIS AND OTHER EXTRANEIOUS MATERIALS PRIOR TO PLANTING. FILL PLANT PIT WITH WATER AND ALLOW PERCOLATING OUT PRIOR TO PLANTING. IF PLANT PIT HOLDS WATER FOR AN EXTENDED PERIOD CONTRACTOR SHALL DIG THE PIT DEEPER UNTIL GOOD DRAINAGE IS ACHIEVED OR ADJUST PLANT LOCATION TO A BETTER DRAINED AREA. REPLACE ONE THIRD OF THE EXISTING SOIL WITH DECOMPOSED COMPOST, MIXING THOROUGHLY.

STORE MATERIALS ON SITE ONLY IN AREAS APPROVED AND IDENTIFIED BY THE OWNER. KEEP ALL STORAGE AREAS IN A NEAT, CLEAN, & SAFE. CONDITION.

REMOVE PLANT CONTAINERS, WIRE BASKETS AND TWINE COMPLETELY FROM PLANTS. REMOVE BURLAP FROM TOP AND SIDES OF ROOT BALLS. EXCESS EXCAVATION MATERIAL SHALL BE REMOVED FROM THE PROPERTY. THE MATERIAL SHALL NOT BE PLACED IN COMMON AREAS, ROAD RIGHTS-OF-WAY, OR ON OTHER LOTS.

NEWLY PLANTED PLANTS SHALL BE WATERED IMMEDIATELY AFTER PLANTING. NEW PLANTS SHALL BE PLACED ON THE IRRIGATION SYSTEM SCHEDULE WITHIN 3 DAYS OF PLANTING.

CONTRACTOR IS TO WEED SITE WEEKLY UNTIL INSTALLATION IS COMPLETE & ACCEPTED BY THE OWNER.

PLANTING ON SLOPES:

DO NOT PLANT, IRRIGATE, INSTALL IRRIGATION, OR DISTURB SLOPES 5:1 OR STEEPER. ADJUST PLANT COUNT & IRRIGATION PLAN TO REFLECT THIS CONDITION AS A GRADING PLAN MAY NOT HAVE BEEN AVAILABLE FOR THE LANDSCAPE DESIGN.

MULCH:

SEE PLANT LIST FOR MULCH MATERIAL.

MAINTENANCE:

MAINTENANCE TO INCLUDE TREATMENT FOR INSECTS AND DISEASE, PRUNING, MULCHING, CLEANING, AND WEEDING. MAINTAIN SMOOTH GRADES AND POSITIVE DRAINAGE. REPAIR ANY EROSION IMMEDIATELY. DO NOT ALLOW ERODING SOILS OR RUNOFF TO ENTER RIVER. WATER AND FERTILIZE ALL PLANTS AS NEEDED FOR GROWTH AND VIGOR. TIGHTEN AND REPAIR STAKES, GUYS AND TREE WRAP, RESET TO PROPER GRADE OR VERTICAL POSITION AS REQUIRED. REPLACE UNSATISFACTORY MATERIALS WITHIN ONE WORK WEEK OF IDENTIFYING MATERIAL AS UNSATISFACTORY.

KEEP WORK AND STORAGE AREAS IN A CLEAN AND ORDERLY CONDITION. REMOVE DEBRIS DAILY. KEEP ALL PAVED SURFACES AND STRUCTURE CLEAN AND FREE OF SOIL, MULCH, LEAVES, LITTER, AND DEBRIS. WASH DOWN WALKS, PAVED AREAS, WALLS AND STRUCTURES DAILY. KEEP WORK AREA IN A SAFE CONDITION. ERECT BARRIERS, COVER EXCAVATION AND TAKE OTHER MEASURES AS NECESSARY TO PROTECT THE GENERAL PUBLIC AND WORKERS ON THIS PROJECT.

THE CONTRACTOR IS REQUIRED TO MAINTAIN THE ENTIRE PROPERTY REMOVING WEEDS AND TRASH AND TENDING TO THE HEALTH OF THE PLANTS. DEAD OR DYING PLANTS ARE TO BE PROMPTLY REPLACED. EACH PLANT WILL BE IRRIGATED AS REQUIRED FOR ITS SPECIES, THIS MAY BE WITH A TEMPORARY SYSTEM, IF IRRIGATION IS OFF. THE CONTRACTOR IS REQUIRED TO MAINTAIN SMOOTH GRADES AND POSITIVE DRAINAGE THROUGHOUT THE SITE; TO REPAIR ANY EROSION IMMEDIATELY; AND PREVENT ERODING SOILS OR RUNOFF TO ENTER RIVER.

IRRIGATION:

A NEW AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM SHALL BE DESIGNED & INSTALLED BY AN OREGON LICENSED IRRIGATION CONTRACTOR. IT SHALL BE A PROPERLY FUNCTIONING BALANCED SYSTEM. USE RAINBIRD OR HUNTER OR EQUIVALENT COMPONENTS. VERIFY STATIC & DYNAMIC PRESSURE & AVAILABLE GALLONS PER MINUTE BEFORE PURCHASING MATERIALS. LAWNS SHALL BE ON SEPARATE ZONES & SHALL BE IRRIGATED WITH POP-UP SPRAY HEADS, WITH HEAD TO HEAD COVERAGE OR WITH OVERLAP IN WINDY CONDITIONS. NATIVE BUNCH GRASSES TO BE ON A SEPARATE SPRAY ZONE. DRIP SYSTEM MAY BE USED FOR SHRUBS & PERENNIALS. CONTRACTOR IS TO FOLLOW MANUFACTURER'S INSTRUCTIONS FOR DESIGN & INSTALLATION. LOCATE VALVE BOXES IN PLANTERS NOT LAWN, OUT OF VIEW FROM MAIN PATHS. ALL IRRIGATION SHALL BE INSTALLED TO SERVE THE PLANTS AT THEIR MATURE SIZE. IRRIGATION SHALL NOT HIT STRUCTURES, OR FENCES.

IRRIGATION ON SLOPED AREAS SHALL RUN DRIP LINES PARALLEL WITH CONTOURS. DRIPLINE & EMITTERS SHALL BE INSTALLED UPHILL OF PLANT MATERIAL.



IF THESE PLANS ARE NOT SIGNED, CALL THE LANDSCAPE ARCHITECT TO ASSURE YOU HAVE THE CORRECT PLANS. FAILURE TO DO SO MAY RESULT IN LIABILITY FOR FOLLOWING INCOMPLETE PLANS.

PRELIMINARY LANDSCAPE PLAN CENTRAL  
STONE OAK APARTMENTS  
TL 111301CA022203  
CITY OF MADRAS, OREGON

(541) 350-7436  
P.O. Box 97  
Powell Butte, OR 97753

DappledEarth.com  
EILEEN OBERMILLER



DRAWING DATE:  
SEPTEMBER 7, 2023

SHEET 5  
OF 5



125 SW "E" Street,  
Madras, OR, 97741  
541-475-2344

### ADJACENT PROPERTY OWNER NOTIFICATION

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<b>DATE:</b>	January 19, 2024
<b>FILES:</b>	SD-23-4 and SP-23-2
<b>APPLICANT/ PROPERTY OWNER:</b>	Momentasize, LLC et al. PO Box 6901 Bend, OR 97708
<b>SITE ADDRESS:</b>	No address assigned at this time. Parcel on NE Oak Street.
<b>MAP &amp; TAXLOT:</b>	11-13-1CA-2203
<b>ZONING:</b>	Moderate Density Residential (R-1)
<b>PROPOSAL:</b>	The Applicant proposes to modify previously approved land use decision (File SD-23-1). This change includes four Lot Subdivision and Site and Design Review for an Apartment Development.
<b>DECISION TYPE:</b>	Type III, quasi-judicial
<b>PUBLIC HEARING:</b>	Madras Planning Commission will be held on February 21, 2024, at 6:30 PM in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741.

---

Adjacent Property Owner:

This letter is to inform you of a Subdivision and Site Plan applications that was submitted to the City of Madras Community Development Department by the Momentasize, LLC et al. for four Lot Subdivision and Site and Design Review for an Apartment Development on Tax Lot 2203 located on Jefferson County Assessor's Map 11-13-1CA. The decision regarding this land use action will be based on compliance with Madras Municipal Code Chapters 18.15 – Land Use Zone, Chapter 18.20 – Public Improvement & Site Development Standards, and Chapter 18.25 – Supplementary Provisions, Chapter 18.30 – Special Standards for Certain Use, Chapter 18.5 – Signs, Chapter 18.40 - Zoning Review, Site Plan Review, and Design Review, Chapter 18.60 – Land Divisions, Replats, and Property Line Adjustments, and Chapter 18.80 – Administrative Provisions. As an adjacent property owner within 250 feet of the location where the development is proposed, you are entitled notice. If you have any concerns, comments, and or wish to become an interested party of the record, please respond to this letter within 10 days by sending a letter to the Community Development Department at 125 SW "E" Street or send an email to [ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us). You may also call the Community Development Department at 541-475-2344. The files for this matter (SD-23-4 and SP-23-2) are available for public review at City Hall located at 125 SW "E" Street. On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed site plan and subdivision. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City

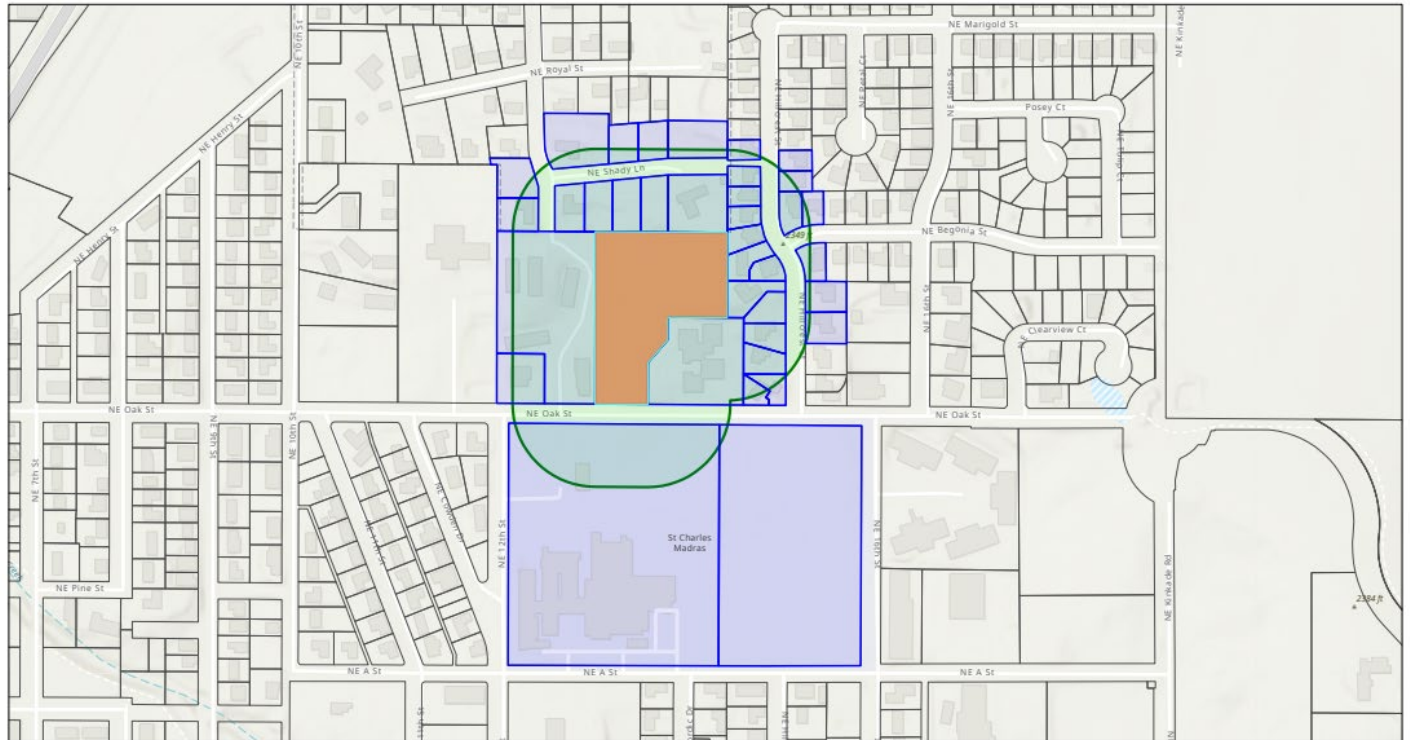


Hall located at 125 SW "E" Street. Both meetings will have the ability to attend via Zoom and in person. An agenda, packet and Zoom information will be posted on the City's calendar online one week prior to the meeting.

*Fatima Taha*

Fatima Taha  
Community Development Associate  
[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)  
541-325-0305

Figure 1. Map of Subject Property and those within 250 feet thereof, File No. SD-23-4 and SP-23-2



11/7/2023, 9:43:39 AM  
City Limits  
City of Madras Taxlots

1:4,514  
0 0.04 0.08 0.16 mi  
0 0.05 0.1 0.2 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEIMA, Intermap and the GIS user community, Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, ©

City of Madras, OR  
Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METYNASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA |

Scan QR code to view the application





125 SW "E" Street,  
Madras, OR, 97741  
541-475-2344

### ADJACENT PROPERTY OWNER NOTIFICATION

---

**DATE:** January 19, 2024

**FILE:** ZC-23-1

**APPLICANT/  
PROPERTY OWNER:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:**  
No address assigned at this time. Parcel on NE Oak Street

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** To amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3).

**DECISION TYPE:** Type III, quasi-judicial

**PUBLIC HEARINGS:** Madras Planning Commission will be held on February 21, 2024, at 6:30 PM in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741.

Madras City Council will be held on March 12, 2024, at 5:30 PM in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741.

---

Adjacent Property Owner:

This letter is to inform you of a Subdivision application that was submitted to the City of Madras Community Development Department by the Momentasize, LLC et al. for a Zone Map Amendment from R-1 to R-3 on Tax Lot 2203 located on Jefferson County Assessor's Map 11-13-1CA. The decision regarding this land use action will be based on compliance with Statewide Planning Goals and Madras Comprehensive Plan Goals 1, 2, 10, 11, and 12, and 13, OAR 660-12-0060, and Madras Municipal Code (MMC) Chapter 18.75 – Amendments. As an adjacent property owner within 250 feet of the location where the development is proposed, you are entitled notice. If you have any concerns, comments, and or wish to become an interested party of the record, please respond to this letter within 10 days by sending a letter to the Community Development Department at 125 SW "E" Street or send an email to [ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us). You may also call the Community Development Department at 541-475-2344. The file for this matter (ZC-23-1) is available for public review at City Hall located at 125 SW "E" Street. On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed site plan and subdivision. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City Hall located at 125 SW "E" Street. Both meetings will have the ability to attend

via Zoom and in person. An agenda, packet and Zoom information will be posted on the City's calendar online one week prior to the meeting.

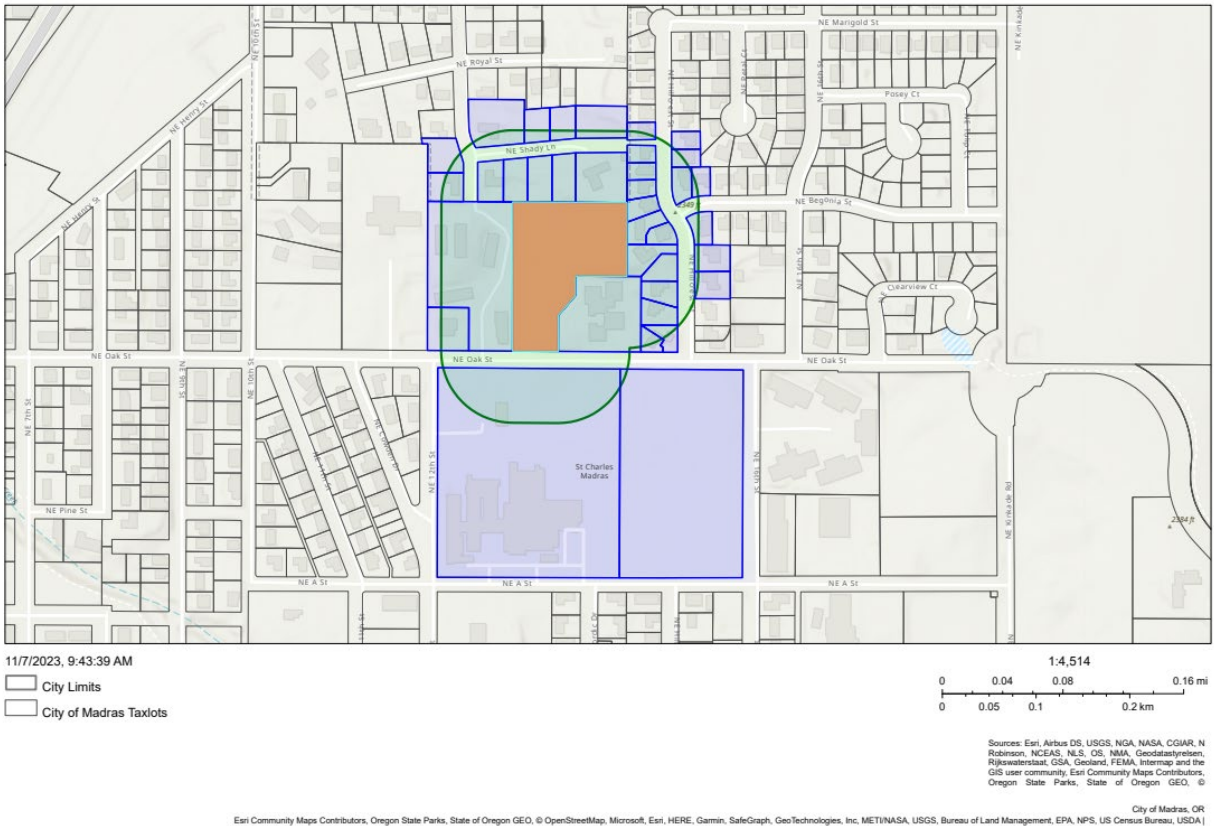
*Fatima Taha*

Fatima Taha  
Community Development Associate

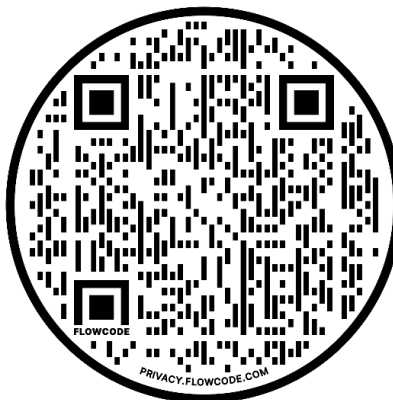
[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)

541-325-0305

Figure 1. Map of Subject Property and those within 250 feet thereof, File No. ZC-23-1



Scan QR code to view the application





**From:** [Jeremy Faircloth](#)  
**To:** [Fatima Taha](#)  
**Subject:** RE: Development Team Land Use Notice: SD-234 & SP-23-2 | Lot 2203  
**Date:** Wednesday, November 8, 2023 8:51:09 AM  
**Attachments:** [image001.png](#)

---

Please communicate with Jefferson County Community Development Department once approved by the city of Madras before any construction has started. If applicant would like, we can do a pre-construction meeting. Note: It is the responsibility of the owner or the owners authorized agent to verify what permits are required before the start of construction.

BEST REGARDS,  
Jeremy Faircloth  
Building Official  
541-460-0563 Cell  
541-475-4462 Office  
E-mail: [jfaircloth@jeffco.net](mailto:jfaircloth@jeffco.net)



**Live every day like it is your last..... BUILD TO THE CODE..... So it isn't!**

---

**From:** Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>  
**Sent:** Wednesday, November 8, 2023 8:41 AM  
**To:** Development Team <[DevelopmentTeam@ci.madras.or.us](mailto:DevelopmentTeam@ci.madras.or.us)>  
**Subject:** Development Team Land Use Notice: SD-234 & SP-23-2 | Lot 2203

Development Team Member:

Here is the link to application materials submitted for Site Plan and Subdivision request for subject property of Tax Lot 2203 located in the Moderate Density Residential (R-1) Zone.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ba1127a2-0427-386f-8ba9-1464a6d3c25e>

The application was submitted on September 15, 2023. Please be advised that the City has sent a notice to all properties within 250 feet of the subject property on November 8, 2023. Please submit comments to the City by no later than **November 20, 2023** regarding this land use application. Please let me know if you need any additional information.

**FILES:** SD-23-4 and SP-23-2

**OWNER/APPLICANT:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:** No address assigned at this time. Parcel on NE Oak Street.

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** The Applicant proposes to modify previously approved land use decision (File SD-23-1). This change includes four Lot Subdivision and Site and Design Review for an Apartment Development.

**DECISION TYPE:** Type III, quasi-judicial.

**PUBLIC HEARING DATE:** January 17, 2024  
DATE: 6:30 PM  
Council Chambers at the Madras Police Station/City Hall  
125 SW E Street,  
Madras, OR, 97741

Regards,

Fatima Taha, MBA, Ph.D.  
Associate Planner | Community Development Department  
City of Madras  
541-325-0305  
[Website](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**From:** [Jeff Hurd](#)  
**To:** [Fatima Taha](#)  
**Cc:** [Daniel Hall](#); [Michele Quinn](#); [Chris Funk](#)  
**Subject:** RE: Development Team Land Use Notice: ZC-23-1 | Lot 2203  
**Date:** Wednesday, November 8, 2023 11:46:31 AM  
**Attachments:** [SD-23-1 PWD Comments for Stone Oak Subdivision and Site Plan 10-10-23.docx](#)

---

Hi Fatima,

Public Works doesn't have any comments on a zone change. We do have comments on the site plan but I believe I sent those in already.

Here they are attached if you don't already have them.

Thanks.

Jeff  
541-325-0309

---

**From:** Fatima Taha <ftaha@cityofmadras.us>  
**Sent:** Wednesday, November 8, 2023 8:46 AM  
**To:** Development Team <DevelopmentTeam@ci.madras.or.us>  
**Subject:** Development Team Land Use Notice: ZC-23-1 | Lot 2203

Development Team Member:

Here is the link to application materials submitted for a Zone Map Amendment from Moderate Density Residential (R-1) to Planned Residential Development (R-3) for subject property of Tax Lot 2203.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ba1127a2-0427-386f-8ba9-1464a6d3c25e>

The application was submitted on September 15, 2023. Please be advised that the City has sent a notice to all properties within 250 feet of the subject property on November 8, 2023. Please submit comments to the City by no later than **November 20, 2023** regarding this land use application. Please let me know if you need any additional information.

**FILES:** ZC-23-1

**OWNER/APPLICANT:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:** No address assigned at this time. Parcel on NE Oak Street.

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** To amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3).

**DECISION TYPE:** Type III, quasi-judicial.

**PUBLIC HEARING DATES:**

Planning Commission	January 17, 2024 DATE: 6:30 PM Council Chambers at the Madras Police Station/City Hall 125 SW E Street Madras, OR, 97741
City Council	February 13, 2024 DATE: 5:30 PM Council Chambers at the Madras Police Station/City Hall 125 SW E Street Madras, OR, 97741

Regards,

Fatima Taha, MBA, Ph.D.  
Associate Planner | Community Development Department  
City of Madras  
541-325-0305  
[Website](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

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**From:** [Fatima Taha](#)  
**To:** [Development Team](#)  
**Subject:** Development Team Land Use Notice: ZC-23-1 | Lot 2203  
**Date:** Wednesday, November 8, 2023 8:46:15 AM

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Development Team Member:

Here is the link to application materials submitted for a Zone Map Amendment from Moderate Density Residential (R-1) to Planned Residential Development (R-3) for subject property of Tax Lot 2203.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ba1127a2-0427-386f-8ba9-1464a6d3c25e>

The application was submitted on September 15, 2023. Please be advised that the City has sent a notice to all properties within 250 feet of the subject property on November 8, 2023. Please submit comments to the City by no later than **November 20, 2023** regarding this land use application. Please let me know if you need any additional information.

**FILES:** ZC-23-1

**OWNER/APPLICANT:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:** No address assigned at this time. Parcel on NE Oak Street.

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** To amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3).

**DECISION TYPE:** Type III, quasi-judicial.

**PUBLIC HEARING DATES:**

Planning	January 17, 2024
Commission	DATE: 6:30 PM Council Chambers at the Madras Police Station/City Hall 125 SW E Street Madras, OR, 97741
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Regards,

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## MEMORANDUM

DATE: 10/10/2023

TO: Fatima Taha, Associate Planner

FROM: Jeff Hurd  
Public Works Director

RE: Subdivision Application – SD-23-01 Stone Oak Subdivision and Site Plan

### Public Works Director Subdivision Committee Report for Stone Oak Subdivision and Site Plan

1. Except as otherwise provided below, all onsite and offsite improvements must be installed by the applicant in accordance to the City's *Public Improvement Design & Construction Standards* and the APWA standards, specifications, and drawings, as amended and adopted by Resolution 19-2023, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.
2. Except as otherwise provided below, the applicant shall comply with:
  - a. City Comprehensive Plan
  - b. Madras Development Code Ordinance #933 (and as amended)
  - c. Ordinance #950- City of Madras Public Improvement Design and Construction Standards
  - d. Ordinance #926 - City of Madras Transportation System Master Plan.
  - e. City of Madras Wastewater System Master Plan, June of 2018
  - f. City of Madras Parks and Open Space Master Plan, July 2019
  - g. City of Madras Stormwater Master Plan, April 2005
  - h. City of Madras Flood Mitigation Plan, June 2005
  - i. City of Madras Water Master Plan, March 2014
  - j. Tree Planting and Maintenance Ordinance #527 as amended by #531
  - k. Madras Utility Ordinances #930 - Cross Connections, Water System #928 and Sewer System #929
  - l. City Fee Resolution 2021 (and as amended): City Fee Rate and Schedule
  - m. ITE Trip Generation Manual, Handbook and User's Guide, 10th Edition
  - n. Transportation System Development Charge Final Report, June 2019 as adopted by City Council under Resolution 33-2019
  - o. Jefferson County Road Functional Classification Table 3.2
  - p. City of Madras Ordinance #924 – SDC Ordinance
  - q. Culver Hwy/Belmont Lane Intersection Evaluation Final Analysis Summary Memorandum by Kittelson and Associates dated February 10, 2021
3. Prior to recording of the plat, the proposed development and final detailed construction plans will be required to be reviewed, approved, constructed and accepted by the Public Works Director and/or City Engineer per the standards set out in Conditions #1 and #2.

Site Conditions:

1. Standards for General Standards and Requirements are set out in Section 1 of the Public Improvement Design and Construction Standards.
  - a. No application shall be granted final plat approval unless the applicant has already constructed the improvements, and the City Public Works Director has accepted the required improvements, or the applicant has executed an improvement agreement. If the applicant chooses to construct the improvements, it shall also file with the City a warranty bond executed by a survey company to cover the one-year warranty period following acceptance by the City. Said bond shall be in the amount of (10%) of the total value of improvements.
  - b. All new utilities, on site and/or adjacent to the property, shall be installed underground. As a condition of approval all utilities that will serve the subdivision will be installed underground. No overhead utilities will be allowed.
  - c. All subdivisions must dedicate at least eight percent (8%) of the gross area of the property proposed to be subdivided to the City of Madras for public parks, open space, trails, and other recreational purposes. The Public Works Director, in his or her sole discretion, may allow a dedication of less than the required eight percent (8%) of the gross area of said development or permit the developer to pay fees in lieu of dedicating property to the City of Madras for public parks, trails, and recreational purposes. If a developer is permitted to pay fees to the City of Madras in lieu of dedicating property, the fees must be equal to eight percent (8%) of the real market value (RMV) of the property proposed to be subdivided. The RMV of the property shall be established from the most recent tax assessment for the property proposed to be subdivided by the Jefferson County Assessor.

The applicant has proposed subdividing 3.5 acres; therefore, the park obligation requirement will be 0.28 acres. The average real market value based on the most recent tax assessment by the Jefferson County Assessor is \$57,228 per acre. The public works director will allow the applicant to pay a fee in lieu of dedicating 0.28 acres of park space. The fee shall be \$16,054 and will be collected before final plat.

- d. Typical utility layout in the Public Right of Way is as follows:
  - Water alignment – West or North sides of the road section (approx. 5’-6’ off of curb)
  - Sewer alignment – Centerline of roadways.
  - Stormwater alignment – Opposite side of street from water
  - Other services (phone, gas, electric, TV) – planter strip section or granted public utility easement (P.U.E) behind sidewalk.
  - Minimum utility cover is 30 inches

- Horizontal or vertical alignment changes in the storm and sewer mains require a manhole at the location of change.
  - Any variations to be reviewed and approved by the Public Works Director
2. Standards for Erosion Control are set out in Section 3 of the Public Improvement Design and Construction Standards.
    - a. The applicant is disturbing more than 1 acre and is required to obtain a 1200C permit from the Department of Environmental Quality. The applicant will provide a copy of the approved 1200C permit to the City for its records.
    - b. The developer and his or her designated contractor will install & maintain construction entrances, sedimentation control devices and provide vegetative establishment on all disturbed surfaces within the development area per ODOT standard erosion control details and best management practices.
  3. Standards for Stormwater Facilities are set out in Section 4 of the Public Improvement Design and Construction Standards.
    - a. The City has adopted the Central Oregon Stormwater Manual except as modified below. Other standards may be used on a case-by-case basis for unusual circumstances at the discretion of the Public Works Director.

Specific modifications and emphasis to stormwater standards are as follows:

- The pre-developed condition shall be as defined as the COSM (native soils and vegetation)
- Detention design shall limit the 2-year/24-hour post-developed peak flow to the 2-year/24-hour pre-developed flow and the 25-year/24hour post-developed peak flow to the 25-year/24-hour pre-developed peak flow.
- Discharge from a site must be to a well-defined natural, channelized, or piped drainage course as approved by the Public Works Director.
- Detention systems that discharge runoff must provide water quality design. A sediment manhole or similar approved structure is a Best Management Practice that meets the water quality design criteria. A sediment manhole is the water quality treatment method for a drywell or other UIC.
- Runoff coefficients shall be per the NRCS ARC III condition (see Table 5-2 of the COSM)
- A design infiltration rate shall be supported by infiltration testing. The testing method shall be per the COSM, the EPA falling head method, or as approved by the Public Works Director.
- Swales and ponds shall have their volume verified by a licensed surveyor and infiltration rate verified by a test according to the COSM or the EPA Falling Head Method.
- Private stormwater runoff from attached or detached single family dwellings can be directed into the public right-of-way and public storm drainage facilities provided such facilities are sized for that impact.

- b. Unless otherwise specified, all storm sewer pipe with less than 24 inches of cover to finish grade shall be AWWA C900, 8" thru 12", or AWWA C905, 14" through 24" water pipe meeting the requirements of AWWA specifications for Poly Vinyl Chloride (PVC) Water Transmission and Distribution Pipe. Pipes with more than 24 inches of cover to finish grade may be PVC meeting the requirements of ASTM D3034 SDR 35 for diameters up to and including 15 inch. Pipes larger than 15 inch with more than 24 inches of cover shall meet the requirements of ASTM F679 PS46. Otherwise, joints, gaskets, and protective treatment shall conform to Oregon Standards and Specifications Section 445.
  - c. CG-3 curb inlets are required on all major collectors and all sections of streets with established or proposed bike lanes. CG-2 catch basins are required at all sag locations and G-2 catch basins are required on all other city streets where curb is used. Install tubular markers in the curb at each catch basin.
  - d. Catch basins and inlets shall be spaced as required to prevent ponding or flooding of the roadway during the design storm. Catch basins and inlets shall be provided at street intersections and placed upstream to any sidewalk ramp without bypass of gutter flow. The ODOT Hydraulics Manual methodology shall be used to determine catch basin/ inlet spacing. Do not place catch basins in the path of ADA ramps or driveway entrances.
  - e. Catch basins/ inlet or manholes shall be located at all changes in pipe slope, alignment or size. At a minimum, a catch basin/ inlet or manhole shall be located every 400 feet for all pipe-to-manhole systems. All catch basins/ inlets and manholes shall be accessible to maintenance vehicles.
  - f. When ponds are applicable, provide detail for maintenance and access, an outlet pipe with discharge rate control to recharge the pond capacity, and detail for an overflow structure. Ponds are to have a maximum slope of 4:1.
  - g. The City is in the process of applying to the Department of Environmental Quality for a Water Pollution Control Facility Individual Underground Injection Control permit to have the ability to own and maintain public stormwater drywells/drill holes. The application was submitted in 2022 but has yet to be issued. The applicant has proposed utilizing underground injection control as a means of control stormwater for the proposed 4 lot subdivision. At this time, public underground injection control for stormwater is not allowed within the City of Madras.
4. Standards for Sanitary Sewers and Wastewater Lift Stations are set out in Section 5 of the City's Public Improvement Design and Construction Standards. Ordinance 929 regulates the use of public and private sewers and drains, private sewage disposal, and the installation of and connection of building sewers and the discharge of waters and wastes into the public sewer system. As a condition of approval, the applicant must complete the following in accordance with City Standards:

- e. Commercial buildings (including hospitals) will need to have a professional engineer size the minimum sewer pipe diameter for the proposed building. A cleanout is required at the property boundary behind the sidewalk with a sewer cleanout and cast-iron end cap.
  - f. In accordance with the City’s Sewer Ordinance, no person shall discharge, or cause to be discharged, solid or viscous substances in quantities or of such size capable of causing obstruction of the flow in sewers, or other interference, including, without limitation, grease, spent lime, grass clippings, spent grains, spent hops, asphalt residues, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, and milk containers, either whole or ground by garbage grinders. The applicant is proposing several restaurants on site and therefore required to install grease inceptors on the sanitary sewer services that will be connected to City Sewer.
  - g. Any facilities on the development that have cooking, sinks, etc. shall have a grease interceptor installed prior to discharging into the sanitary sewer.
5. Standards for Streets and Related Work are set out in Section 7 of the Public Improvement Design and Construction Standards.
- a. The developer of a subdivision, partition, change of use (when intensity of use increases), conditional use, or site plan will be required to improve all public ways that are adjacent to the development, within the land development, or that serve as a primary access to the development.
    - NE Stone Oak Court may be dedicated, designed and constructed as a local street or the applicant may choose to design NE Stone Oak as a private Street. In both cases, an approved JCFD fire turnaround is required for dead ends longer than 150’.
    - Local Street Standard. Minimum 55 feet of publicly dedicated right-of-way (ROW) required. 20-foot radius on curb returns at intersections with local streets only. 12-inch curb with 6-inch exposure per Standard Detail 7-15 (streets with running slopes of 0.5% or less require concrete curb and gutter). 6 inches of aggregate base (3/4 inch – 0), 4 Inches of Level II, or Level III, ½ Dense, HMAC (double lift) with PG 58-34 oil required.
      - 6-foot sidewalk (minimum 4 inches of PCC on 4 inches of aggregate base) property tight. Provide a two (2’) foot flat grading setback behind walks prior to providing the 2:1 back slope to the catch point.
      - 8-foot parking lanes
      - 20-foot common travel lane for both direction of traffic.
      - 36 foot of paving width (face of curb to face of curb)
      - 55 feet total ROW- Sidewalks curb tight.

- A private street may be allowed as it is not a thru street and will only serve 3 single family residences and a private multifamily development. The requirements for a private street require pavement to be a minimum of 3 inches on 6 inches of aggregate base. A public access easement and utility easement to the City of Madras and one to the Deschutes Valley Water District shall be granted to encompass the improvements to include pavement, curb, sidewalk and utilities. Private streets require 20 feet width of pavement with no parking or 28 feet width of pavement with parking on one side. All private streets may be constructed only in conjunction with creation of covenants, conditions and restrictions (CCR's) and the establishment of a homeowner's association for the development. The CCR's shall provide the primary responsibility for parking enforcement and snow plowing shall be the HOA, with the City of Madras being acknowledged in the CCR's as a beneficiary for such parking enforcement as a violation of the land use decision and/or City code. No parking within 20 feet of the curb line nearest the intersection will be allowed.
- b. The applicant has proposed a sidewalk with retaining wall on the east side of NE Stone Oak Court. The adjacent lot to the east is developed as a multifamily lot with pedestrian access off of Oak Street. Sidewalks on the east side of NE Stone Oak Court serve no purpose to the adjacent parcel for future development. Consider removing the walk.
  - c. Street profiles shall have a minimum "K" value of 12 for crest vertical curves and 26 for sag vertical curves. Intersections shall not have a grade greater than two percent (2%) at stop-controlled intersections and five percent (5%) at non-stop controlled intersections. A minimum landing length of 50 feet when measured from centerline shall be provided at each intersection.
  - d. Cul-de-Sacs are to meet the criteria required by the fire department; this will include a minimum of a 50-foot paved radius and a minimum of a 57 foot right-of-way dedication radius (not counting additional slope area needs behind sidewalk) unless otherwise approved by the Fire Chief and the City.
  - e. Private access driveway widths shall be at a minimum of 12' and a maximum of 24' in width.
  - f. Private access will be spaced 30 feet apart on local streets and 50 feet apart on minor collectors. Private access to major collectors is not allowed. Spacing will be measured from edge to access to edge of access and be no closer than 2 feet from the edge of the driveway flare to flare.
  - g. Maximum positive grades on private access driveways is 12 percent. Maximum negative grades on private access driveways are negative 6 percent.
  - h. Maximum street grade is 10% on any local or minor collector street. Maximum street grade is 8% for any major collector street sections.



- i. ADA complaint ramps will be installed at all street intersections (public and private) and include detectable warning plates. Ramps shall be directional at an intersection. Each ramp entering the roadway must have an opposing receiving ramp to accept pedestrians. All curb ramps are to have the City of Madras cast iron detectable warning plates per East Jordan Iron Works or approved equal. The City follows ODOT Standard Detail 1720 and 1721 for design of ADA ramps. All ramps constructed will be inspected with ODOT Form 734-5020. The applicant will be responsible for insuring that ramps are in full compliance with the form. Any deficiencies in the ramp are to be corrected before acceptance of the project and receipt of certificate of occupancy. Tubular markers shall be inserted in the curb at the inside radius and apex of the outside radius of curb extensions. Hardscape areas in between ramps. ADA ramps will be constructed prior to recording of final plat.
  - j. Street signs are required where applicable. Provide construction plans detailing sign locations, dimensions, type and post specifications meeting Public Works Department and MUTCD Standards. Follow standard detail 7-17 for street base sign standard
  - k. The applicant or property owner of each lot will be required to install and maintain irrigation and landscaping within the public right of way between curb and sidewalk adjacent to the property. Landscaping materials are required to be pedestrian and vehicle friendly. Provide at least one tree per residential unit or a tree every 35 feet of spacing with irrigation between the curb and sidewalk. Trees shall be Maple, Ash or Oaks or combination thereof. See City of Madras Standard Detail 7-9A for typical tree planting details. The public works department in accordance with the Urban Forestry approved street tree list will determine species of trees planted. Accommodations on spacing can be made due to locations of driveways, business signage, and sight distance. Irrigation will be supplied and maintained by the applicant. Trees are not allowed to be pruned/removed/or replaced without City approval.
6. Standards for Street Illumination are set out in Section 8 of the Public Improvement Design and Construction Standards whereas all new developments and subdivisions are required to provide street lighting compatible with City Standards.
- a. The standard light classification for residential zones is Cobra Head style LED lights per current Pacific Power and Light Standards on aluminum pole. Placement of street lights shall be at intersections, at stripped crosswalks, in the middle of long blocks, in dead end streets, and in the end of long cul-de-sacs. Spacing is optimally 275 feet between lights but in no case shall exceed 400 feet between lights. Submit plans and specifications to the Public Works Department for approval.

General Comments:

7. The proposed development is subject to all City of Madras fees including system development charges (SDCs). All applicable fees must be paid at the time of building permit according to City policy.

8. Formal plans and specifications are to be submitted for all construction. Design drawings shall be prepared with a cover sheet for signatures on standard 20lb bright-white paper with the appropriate professional stamp. Final drawings shall be submitted on ANSI D – 22” x 34”. Submit as-built Hard Copy plans (11”x17” half scale) and Electronic – ACAD & PDF electronic files as sections of work are completed. Wastewater system plans to be submitted to and approved by the City of Madras and by DEQ (only pump/lift station for DEQ). Once the final plans are approved, schedule a pre-construction meeting with the City of Madras Public Works Department.
9. Installation of Post Office mail boxes is to be coordinated with the post master and Public Works. Boxes must not block the clear vision area at any intersection or driveway within or adjacent to the site development. Mail boxes are not to encroach upon the sidewalk or any other pedestrian or bike path. Provide detail for Public Works review. Prior to construction have the staked location reviewed by the Public Works Department.
10. After public improvement construction plans are approved by the City and prior to construction starting, the contractor performing the work shall schedule and attend a preconstruction conference with the Public Works Department.
11. If construction routes damage adjacent or nearby City Streets due to heavy truck traffic, consult with the Public Works Director on necessary repairs and potential change of access routes during construction, as determined necessary by the Public Works Director.
12. Replace all sidewalk panels that are cut or broken due to new construction work. This is also required when utilities/irrigation requires removal of a sidewalk panel section between the property and the planter strip.
13. Do not install any structures, signs or landscaping that impedes the clear vision area as defined by the City’s Zoning Ordinance No. 723. Vision clearance at intersections shall be provided in all zoning districts with the following distances establishing the size of the vision clearance area as described below:
  - a. The minimum distance shall be twenty feet (20’) at intersections comprising of two (2) streets, or one (1) street and a railroad right-of-way.
  - b. Exception: Does not apply to Downtown Commercial Zone (C2).
  - c. At intersections of a commercial/industrial access, the minimum distance shall be fifteen feet (15’).
  - d. At intersections including an alley, the minimum distance shall be ten feet (10’).
  - e. For commercial/industrial access the minimum length of the two legs for the clear vision triangle shall be measured from the corner intersection of the lot line and edge of access (i.e. curb, gravel or pavement) to a distance specified in these regulations.

- f. The third side of the triangle is a line across the corner of a lot joining the ends of the other two (2) sides. Where the lot lines at intersections have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.
  - g. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three feet (3') in height, measured from the road surface.
  - h. Exceptions: The following are exempt from clear vision area compliance:
    - i. Tree trunk (clear of branches or foliage)
    - ii. Street and Safety signage
    - iii. Utility poles.
    - iv. Street lights.
14. Lot corners are to be surveyed and staked for building inspection reference.
15. The applicant shall crack seal all asphalt joints within the public right of way with polymer crack sealant. Sand seals with emulsified asphalt are not allowed.
16. The maximum grade slope for any lot or street side slope is 2H:1V. If development creates a steeper slope, retaining walls are required. When the height of a retaining wall exceeds the standard building official limit (4 feet), provide engineered retaining wall drawings and calculations for review and approval by the Jefferson County Building Department for individual lots and to the City of Madras for any roadway retaining walls.
17. Right-of-way Permits: Are required when any person desires to erect, construct or maintain an encroachment structure upon public property. An encroachment structure shall include any tower, pole, pole line, pipe, pipeline, deck, billboard, stand or building, or any other such object or structure that is placed in, upon, under or over any public street, highway or alley right-of-way, or other public property. A review and recording fee is required. Any temporary closure of a public right-of-way to vehicular or pedestrian traffic requires City approval prior to the proposed closure. Closures include street/alley, traffic lane, parking lane, bicycle lane and sidewalks that are not covered by a permit issued under Section 2 of the Public Improvement Design and Construction Standards.
18. Sanitary Sewer Permit: Fees are charged for setting up a service account as well as inspection of the service connection. Any homes that are located outside the City limits that need or are required to connect to City sewer service must sign consent to annex and pay applicable fees.
19. Plan Review, Quality Assurance Administration, and Inspection Fee (aka. QA Permit): Deposit required prior to review of plans and will be held by the City through end of project. Actual costs will be taken from deposit and any remaining amount will be refunded. If costs exceed the calculated minimum deposit, the developer/ applicant is responsible to pay the additional services provided by the City. Deposit minimum amount determined by using the table found in the City's Fee Resolution.

20. The development property owner is responsible for weed abatement throughout the life of the development. This involves at a minimum mowing dry grass and weeded areas within the development zone (future phases included) for the purpose of weed abatement and fire control measures. In the event this does not occur, per the City ordinance the City will hire a mowing service to perform the necessary work and put a lien on the property.
21. Deschutes Valley Water supplies water to the site. Coordinate and perform Fire Hydrant layout and sizing, and fire flow requirements with Deschutes Valley Water & Jefferson County Fire Department. Provide a fire flow analysis to confirm fire hydrant capacity needs are satisfied. Perform all necessary design and capacity improvements as required to provide the necessary minimum flow to the new development. Fire flow analysis is required to determine capacity improvement needs. Development is responsible for all system improvement costs necessary to supply new building improvements.

## NOTICE OF PUBLIC HEARING

City of Madras File: SD-23-4 and SP-23-2

Momentasize, LLC et al. have requested Site Plan and Subdivision to the City of Madras to modify previously approved land use decision (File SD-23-1). This change includes four Lot Subdivision and Site and Design Review for an Apartment Development in Madras, OR 97741. The site is also known as Tax Lot # 2203 on Jefferson County Assessor's Map 11-13-1CA. On January 17, 2024, at 6:30 PM the City of Madras Planning Commission will hold a public hearing for the proposed site plan and subdivision. The hearing will be held in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras. The proposal is subject to Chapter 18.15 – Land Use Zone, Chapter 18.20 – Public Improvement & Site Development Standards, and Chapter 18.25 – Supplementary Provisions, Chapter 18.30 – Special Standards for Certain Use, Chapter 18.5 – Signs, Chapter 18.40 - Zoning Review, Site Plan Review, and Design Review, Chapter 18.60 – Land Divisions, Replats, and Property Line Adjustments, and Chapter 18.80 – Administrative Provisions in City of Madras Municipal Code.

If you are unable to attend the hearing, but would like to submit comments for consideration, please submit written comments to the City of Madras at the Madras Police Station/City Hall located at 125 SW "E" Street. This meeting is handicapped accessible; those needing assistance need to contact Nicholas Snead, Community Development Director at 541-475-2344 prior to the meeting to make any necessary arrangements. Copies of the proposal are available for review at Madras Police Station/City Hall located at 125 SW "E" Street, Madras. Copies are also available for purchase at a cost of twenty-five cents per page.

Publish: Madras Pioneer, December 20, 2023  
Please provide the City of Madras verification of publishing.

## NOTICE OF PUBLIC HEARING

City of Madras File: ZC-23-1

Momentasize, LLC et al. have requested a Zone Change to the City of Madras to amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3). The site is also known as Tax Lot # 2203 on Jefferson County Assessor's Map 11-13-1CA. On January 17, 2024, at 6:30 PM the City of Madras Planning Commission will hold a public hearing for the proposed Zone Change. The hearing will be held in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras. The proposal is subject to compliance with Statewide Planning Goals and Madras Comprehensive Plan Goals 1, 2, 10, 11, and 12, and 13, OAR 660-12-0060, and Madras Municipal Code (MMC) Chapter 18.75 – Amendments.

If you are unable to attend the hearing, but would like to submit comments for consideration, please submit written comments to the City of Madras at the Madras Police Station/City Hall located at 125 SW "E" Street. This meeting is handicapped accessible; those needing assistance need to contact Nicholas Snead, Community Development Director at 541-475-2344 prior to the meeting to make any necessary arrangements. Copies of the proposal are available for review at Madras Police Station/City Hall located at 125 SW "E" Street, Madras. Copies are also available for purchase at a cost of twenty-five cents per page.

Publish: Madras Pioneer, December 20, 2023  
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## NOTICE OF PUBLIC HEARING

City of Madras File: ZC-23-1

Momentasize, LLC et al. have requested a Zone Change to the City of Madras to amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3). The site is also known as Tax Lot # 2203 on Jefferson County Assessor's Map 11-13-1CA. On February 13, 2024, at 5:30 PM the City Council will hold a public hearing. The hearing will be held in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras. The proposal is subject to compliance with Statewide Planning Goals and Madras Comprehensive Plan Goals 1, 2, 10, 11, and 12, and 13, OAR 660-12-0060, and Madras Municipal Code (MMC) Chapter 18.75 – Amendments.

If you are unable to attend the hearing, but would like to submit comments for consideration, please submit written comments to the City of Madras at the Madras Police Station/City Hall located at 125 SW "E" Street. This meeting is handicapped accessible; those needing assistance need to contact Nicholas Snead, Community Development Director at 541-475-2344 prior to the meeting to make any necessary arrangements. Copies of the proposal are available for review at Madras Police Station/City Hall located at 125 SW "E" Street, Madras. Copies are also available for purchase at a cost of twenty-five cents per page.

Publish: Madras Pioneer, January 17, 2024  
Please provide the City of Madras verification of publishing.



125 SW "E" Street,  
Madras, OR, 97741  
541-475-2344

### ADJACENT PROPERTY OWNER NOTIFICATION

---

<b>DATE:</b>	November 8, 2023
<b>FILES:</b>	SD-23-4 and SP-23-2
<b>APPLICANT/ PROPERTY OWNER:</b>	Momentasize, LLC et al. PO Box 6901 Bend, OR 97708
<b>SITE ADDRESS:</b>	No address assigned at this time. Parcel on NE Oak Street.
<b>MAP &amp; TAXLOT:</b>	11-13-1CA-2203
<b>ZONING:</b>	Moderate Density Residential (R-1)
<b>PROPOSAL:</b>	The Applicant proposes to modify previously approved land use decision (File SD-23-1). This change includes four Lot Subdivision and Site and Design Review for an Apartment Development.
<b>DECISION TYPE:</b>	Type III, quasi-judicial
<b>PUBLIC HEARING:</b>	Madras Planning Commission will be held on January 17, 2024, at 6:30 PM in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741.

---

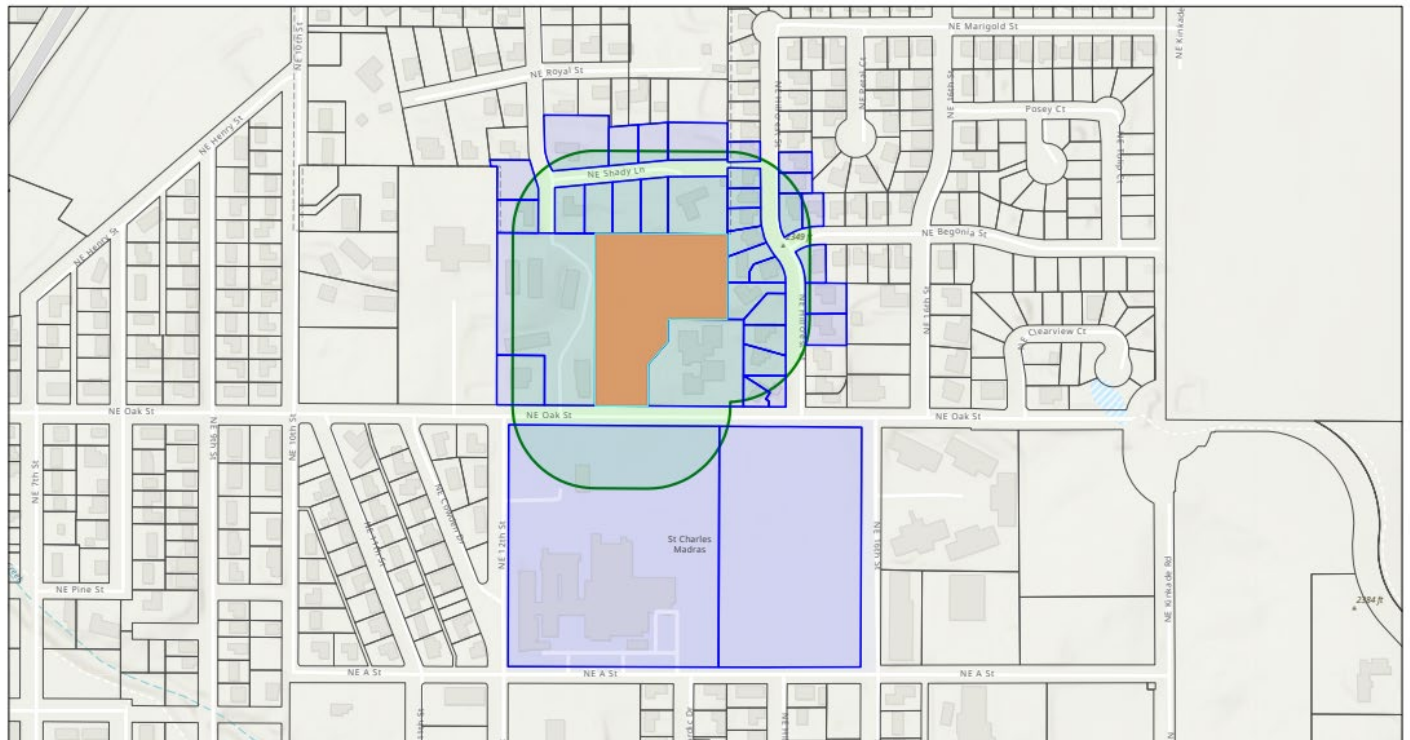
Adjacent Property Owner:

This letter is to inform you of a Subdivision and Site Plan applications that was submitted to the City of Madras Community Development Department by the Momentasize, LLC et al. for four Lot Subdivision and Site and Design Review for an Apartment Development on Tax Lot 2203 located on Jefferson County Assessor's Map 11-13-1CA. The decision regarding this land use action will be based on compliance with Madras Municipal Code Chapters 18.15 – Land Use Zone, Chapter 18.20 – Public Improvement & Site Development Standards, and Chapter 18.25 – Supplementary Provisions, Chapter 18.30 – Special Standards for Certain Use, Chapter 18.5 – Signs, Chapter 18.40 - Zoning Review, Site Plan Review, and Design Review, Chapter 18.60 – Land Divisions, Replats, and Property Line Adjustments, and Chapter 18.80 – Administrative Provisions. As an adjacent property owner within 250 feet of the location where the development is proposed, you are entitled notice. If you have any concerns, comments, and or wish to become an interested party of the record, please respond to this letter within 10 days by sending a letter to the Community Development Department at 125 SW "E" Street or send an email to [ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us). You may also call the Community Development Department at 541-475-2344. The files for this matter (SD-23-4 and SP-23-2) are available for public review at City Hall located at 125 SW "E" Street. There will be a hearing on this matter before the City of Madras Planning Commission on January 17, 2024, at 6:30 pm in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741. You may attend in person or via Zoom. An agenda, packet and Zoom information will be posted on the City's calendar online one week prior to the meeting.

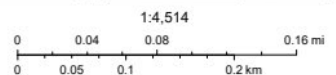
Fatima Laha

Fatima Taha  
Community Development Associate  
[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)  
541-325-0305

Figure 1. Map of Subject Property and those within 250 feet thereof, File No. SD-23-4 and SP-23-2



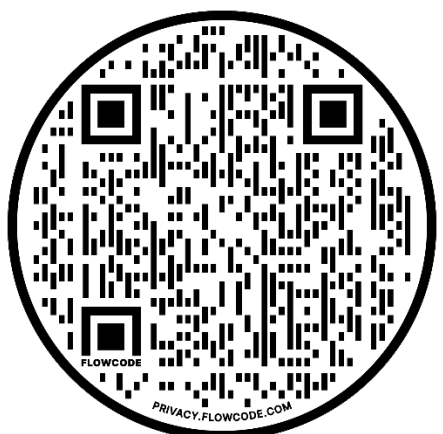
11/7/2023, 9:43:39 AM  
City Limits  
City of Madras Taxlots



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, ©

City of Madras, OR  
Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA |

Scan QR code to view the application





125 SW "E" Street,  
Madras, OR, 97741  
541-475-2344

### ADJACENT PROPERTY OWNER NOTIFICATION

---

**DATE:** November 8, 2023

**FILE:** ZC-23-1

**APPLICANT/  
PROPERTY OWNER:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:**  
No address assigned at this time. Parcel on NE Oak Street

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** To amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3).

**DECISION TYPE:** Type III, quasi-judicial

**PUBLIC HEARINGS:** Madras Planning Commission will be held on January 17, 2024, at 6:30 PM in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741.

Madras City Council will be held on February 13, 2024, at 5:30 PM in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741.

---

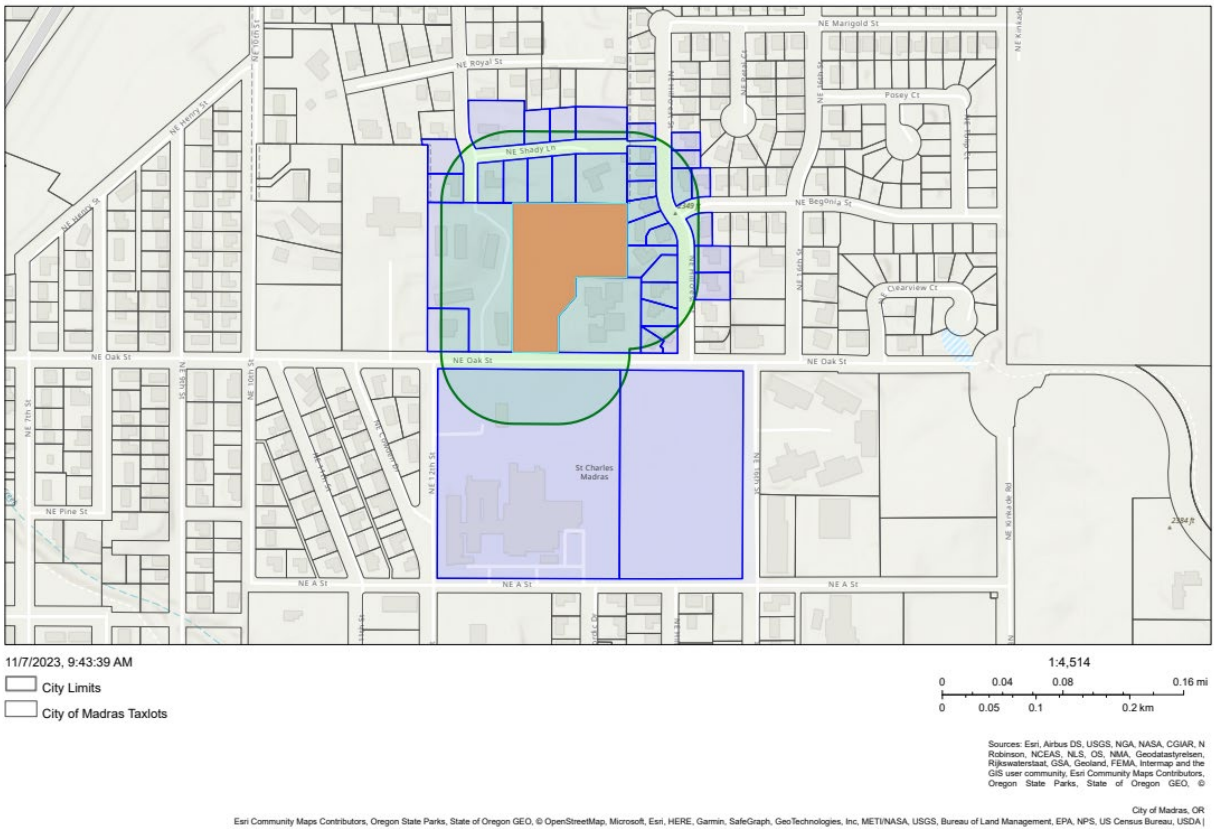
Adjacent Property Owner:

This letter is to inform you of a Subdivision application that was submitted to the City of Madras Community Development Department by the Momentasize, LLC et al. for a Zone Map Amendment from R-1 to R-3 on Tax Lot 2203 located on Jefferson County Assessor's Map 11-13-1CA. The decision regarding this land use action will be based on compliance with Statewide Planning Goals and Madras Comprehensive Plan Goals 1, 2, 10, 11, and 12, and 13, OAR 660-12-0060, and Madras Municipal Code (MMC) Chapter 18.75 – Amendments. As an adjacent property owner within 250 feet of the location where the development is proposed, you are entitled notice. If you have any concerns, comments, and or wish to become an interested party of the record, please respond to this letter within 10 days by sending a letter to the Community Development Department at 125 SW "E" Street or send an email to [ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us). You may also call the Community Development Department at 541-475-2344. The file for this matter (ZC-23-1) is available for public review at City Hall located at 125 SW "E" Street. There will be a hearing on this matter before the City of Madras Planning Commission on January 17, 2024, at 6:30 pm and City Council will be held on February 13, 2024, at 5:30 PM in the Council Chambers at the Madras Police Station/City Hall located at 125 SW E Street, Madras, OR, 97741. You may attend in person or via Zoom. An agenda, packet and Zoom information will be posted on the City's calendar online one week prior to the meeting.

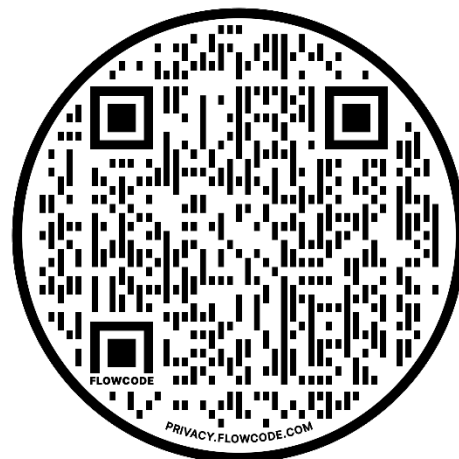
*Fatima Laha*

Fatima Taha  
Community Development Associate  
[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)  
541-325-0305

Figure 1. Map of Subject Property and those within 250 feet thereof, File No. ZC-23-1



Scan QR code to view the application



**From:** [Fatima Taha](#)  
**To:** [Development Team](#)  
**Subject:** RE: Development Team Land Use Notice: SD-234 & SP-23-2 | Lot 2203  
**Date:** Friday, January 19, 2024 1:58:36 PM

---

Good afternoon!

On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed site plan and subdivision. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City Hall located at 125 SW "E" Street.

Here is the link to application materials submitted for Site Plan and Subdivision request for subject property of Tax Lot 2203 located in the Moderate Density Residential (R-1) Zone.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ba1127a2-0427-386f-8ba9-1464a6d3c25e>

The application was submitted on September 15, 2023. Please be advised that the City has sent a notice to all properties within 250 feet of the subject property on January 19, 2024. Please submit comments to the City by no later than **January 29, 2024** regarding this land use application. Please let me know if you need any additional information.

**FILES:** SD-23-4 and SP-23-2

**OWNER/APPLICANT:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:** No address assigned at this time. Parcel on NE Oak Street.

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** The Applicant proposes to modify previously approved land use decision (File SD-23-1). This change includes four Lot Subdivision and Site and Design Review for an Apartment Development.

**DECISION TYPE:** Type III, quasi-judicial.

**PUBLIC HEARING DATE:** February 21, 2024  
DATE: 6:30 PM  
Council Chambers at the Madras Police Station/City Hall



125 SW E Street,  
Madras, OR, 97741

Regards,  
Fatima Taha

---

**From:** Fatima Taha <ftaha@cityofmadras.us>  
**Sent:** Wednesday, November 8, 2023 8:41 AM  
**To:** Development Team <DevelopmentTeam@ci.madras.or.us>  
**Subject:** Development Team Land Use Notice: SD-234 & SP-23-2 | Lot 2203

Development Team Member:

Here is the link to application materials submitted for Site Plan and Subdivision request for subject property of Tax Lot 2203 located in the Moderate Density Residential (R-1) Zone.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ba1127a2-0427-386f-8ba9-1464a6d3c25e>

The application was submitted on September 15, 2023. Please be advised that the City has sent a notice to all properties within 250 feet of the subject property on November 8, 2023. Please submit comments to the City by no later than **November 20, 2023** regarding this land use application. Please let me know if you need any additional information.

**FILES:** SD-23-4 and SP-23-2

**OWNER/APPLICANT:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:** No address assigned at this time. Parcel on NE Oak Street.

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** The Applicant proposes to modify previously approved land use decision (File SD-23-1). This change includes four Lot Subdivision and Site and Design Review for an Apartment Development.

**DECISION TYPE:** Type III, quasi-judicial.

**PUBLIC HEARING DATE:** January 17, 2024  
DATE: 6:30 PM

Council Chambers at the Madras Police Station/City Hall  
125 SW E Street,  
Madras, OR, 97741

Regards,

Fatima Taha, MBA, Ph.D.  
Associate Planner | Community Development Department  
City of Madras  
541-325-0305  
[Website](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

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**From:** [Fatima Taha](#)  
**To:** [Development Team](#)  
**Subject:** RE: Development Team Land Use Notice: ZC-23-1 | Lot 2203  
**Date:** Friday, January 19, 2024 2:07:56 PM

---

Small correction:

On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed **Zone Change**. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City Hall located at 125 SW "E" Street.

Fatima Taha

---

**From:** Fatima Taha <ftaha@cityofmadras.us>  
**Sent:** Friday, January 19, 2024 1:57 PM  
**To:** Development Team <DevelopmentTeam@ci.madras.or.us>  
**Subject:** RE: Development Team Land Use Notice: ZC-23-1 | Lot 2203

Good afternoon!

On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed site plan and subdivision. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City Hall located at 125 SW "E" Street.

Here is the link to application materials submitted for a Zone Map Amendment from Moderate Density Residential (R-1) to Planned Residential Development (R-3) for subject property of Tax Lot 2203.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ba1127a2-0427-386f-8ba9-1464a6d3c25e>

The application was submitted on September 15, 2023. Please be advised that the City has sent a notice to all properties within 250 feet of the subject property on January 19, 2024. Please submit comments to the City by no later than **January 29, 2024** regarding this land use application. Please let me know if you need any additional information.

**FILES:** ZC-23-1

**OWNER/APPLICANT:** Momentasize, LLC et al.  
PO Box 6901

Bend, OR 97708

**SITE ADDRESS:** No address assigned at this time. Parcel on NE Oak Street.

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** To amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3).

**DECISION TYPE:** Type III, quasi-judicial.

<b>PUBLIC HEARING DATES:</b>	Planning	February 21, 2024
	Commission	DATE: 6:30 PM Council Chambers at the Madras Police Station/City Hall 125 SW E Street Madras, OR, 97741
	City Council	March 12, 2024 DATE: 5:30 PM Council Chambers at the Madras Police Station/City Hall 125 SW E Street Madras, OR, 97741

Best,

Fatima Taha

---

**From:** Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>

**Sent:** Wednesday, November 8, 2023 8:46 AM

**To:** Development Team <[DevelopmentTeam@ci.madras.or.us](mailto:DevelopmentTeam@ci.madras.or.us)>

**Subject:** Development Team Land Use Notice: ZC-23-1 | Lot 2203

Development Team Member:

Here is the link to application materials submitted for a Zone Map Amendment from Moderate Density Residential (R-1) to Planned Residential Development (R-3) for subject property of Tax Lot 2203.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ba1127a2-0427-386f-8ba9-1464a6d3c25e>

The application was submitted on September 15, 2023. Please be advised that the City has sent a

notice to all properties within 250 feet of the subject property on November 8, 2023. Please submit comments to the City by no later than **November 20, 2023** regarding this land use application. Please let me know if you need any additional information.

**FILES:** ZC-23-1

**OWNER/APPLICANT:** Momentasize, LLC et al.  
PO Box 6901  
Bend, OR 97708

**SITE ADDRESS:** No address assigned at this time. Parcel on NE Oak Street.

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** To amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3).

**DECISION TYPE:** Type III, quasi-judicial.

**PUBLIC HEARING DATES:**

Planning Commission	January 17, 2024 DATE: 6:30 PM Council Chambers at the Madras Police Station/City Hall 125 SW E Street Madras, OR, 97741
City Council	February 13, 2024 DATE: 5:30 PM Council Chambers at the Madras Police Station/City Hall 125 SW E Street Madras, OR, 97741

Regards,

Fatima Taha, MBA, Ph.D.  
Associate Planner | Community Development Department  
City of Madras  
541-325-0305  
[Website](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

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PUBLIC RECORDS LAW DISCLOSURE: Under Oregon's Public Records Law (ORS 192.410 - 192.505), emails are generally considered "public records." Therefore, this email (including any attachments) may be subject to public inspection unless exempt from disclosure under Oregon's Public Records Law.



## NOTICE OF PUBLIC HEARING

City of Madras File: SD-23-4 and SP-23-2

Momentasize, LLC et al. have requested Site Plan and Subdivision to the City of Madras to modify previously approved land use decision (File SD-23-1). This change includes four Lot Subdivision and Site and Design Review for an Apartment Development in Madras, OR 97741. The site is also known as Tax Lot # 2203 on Jefferson County Assessor's Map 11-13-1CA. On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed site plan and subdivision. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City Hall located at 125 SW "E" Street. Both meetings will have the ability to attend via Zoom and in person. The proposal is subject to Chapter 18.15 – Land Use Zone, Chapter 18.20 – Public Improvement & Site Development Standards, and Chapter 18.25 – Supplementary Provisions, Chapter 18.30 – Special Standards for Certain Use, Chapter 18.5 – Signs, Chapter 18.40 - Zoning Review, Site Plan Review, and Design Review, Chapter 18.60 – Land Divisions, Replats, and Property Line Adjustments, and Chapter 18.80 – Administrative Provisions in City of Madras Municipal Code.

If you are unable to attend the hearing, but would like to submit comments for consideration, please submit written comments to the City of Madras at the Madras Police Station/City Hall located at 125 SW "E" Street. This meeting is handicapped accessible; those needing assistance need to contact Nicholas Snead, Community Development Director at 541-475-2344 prior to the meeting to make any necessary arrangements. Copies of the proposal are available for review at Madras Police Station/City Hall located at 125 SW "E" Street, Madras. Copies are also available for purchase at a cost of twenty-five cents per page.

Madras Pioneer Publishing Dates: January 24, 2024  
February 14, 2024

Please provide the City of Madras verification of publishing.

## NOTICE OF PUBLIC HEARING

City of Madras File: ZC-23-1

Momentasize, LLC et al. have requested a Zone Change to the City of Madras to amend the Madras Urban Area Comprehensive Plan and Zoning Map for the subject property from Moderate Density Residential (R-1) to Planned Residential Development (R-3). The site is also known as Tax Lot # 2203 on Jefferson County Assessor's Map 11-13-1CA. On January 17, 2024, at 6:30 PM the City of Madras Planning Commission held a public hearing for the proposed Zone Change. In the recent meeting, a quorum was not reached. The hearing will continue in the Council Chambers at the Madras Police/Station/City Hall located at 125 SW "E" Street, in Madras on February 21, 2024, at 6:30 pm. The Madras City Council will conduct a public hearing for the proposal on March 12, 2024, at 5:30 pm in the Council Chambers at City Hall located at 125 SW "E" Street. Both meetings will have the ability to attend via Zoom and in person. The proposal is subject to compliance with Statewide Planning Goals and Madras Comprehensive Plan Goals 1, 2, 10, 11, and 12, and 13, OAR 660-12-0060, and Madras Municipal Code (MMC) Chapter 18.75 – Amendments.

If you are unable to attend the hearing, but would like to submit comments for consideration, please submit written comments to the City of Madras at the Madras Police Station/City Hall located at 125 SW "E" Street. This meeting is handicapped accessible; those needing assistance need to contact Nicholas Snead, Community Development Director at 541-475-2344 prior to the meeting to make any necessary arrangements. Copies of the proposal are available for review at Madras Police Station/City Hall located at 125 SW "E" Street, Madras. Copies are also available for purchase at a cost of twenty-five cents per page.

Madras Pioneer Publishing Dates:        January 24, 2024  
   February 14, 2024

Please provide the City of Madras verification of publishing.

**From:** [Nick Snead](#)  
**To:** [April Pust](#)  
**Cc:** [Erik Huffman](#); [Fatima Taha](#); [Dirk van der Velde](#)  
**Subject:** RE: Stone Oak  
**Date:** Wednesday, January 10, 2024 2:02:53 PM  
**Attachments:** [image001.png](#)

---

Ok, thank you.

Nicholas Snead, AICP  
Community Development Director  
City of Madras  
541-475-2344  
[nsnead@cityofmadras.us](mailto:nsnead@cityofmadras.us)  
[www.ci.madras.or.us](http://www.ci.madras.or.us)

---

**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>  
**Sent:** Wednesday, January 10, 2024 1:44 PM  
**To:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>  
**Cc:** Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>  
**Subject:** Re: Stone Oak

Okay great. Yes, all of the submitted application documents are still being pursued for permits.

Thanks,

**April Pust, PE**  
BECON [www.beconeng.com](http://www.beconeng.com)  
549 SW Mill View Way, Suite 100  
Bend, OR 97702  
Cell 425-773-1998  
[apust@beconeng.com](mailto:apust@beconeng.com)

On Wed, Jan 10, 2024 at 3:21 PM Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)> wrote:

April,

Thank you for the email and question! At this point if you can confirm that the submitted site plan and tentative subdivision plans are still being pursued for permits. That would be helpful. My plan is to open the hearing provide a very brief overview of the project that will include:

- Location
- Existing zoning
- Proposed zoning
- Subdivision overview
- Site plan overview

- Note 60 day extension of 120-day clock
- Note staff recommendation to continue the hearing to a date and time certain (2/21/24 at 6:30 PM at City Hall)

Nicholas Snead, AICP  
Community Development Director  
City of Madras  
541-475-2344  
[nsnead@cityofmadras.us](mailto:nsnead@cityofmadras.us)  
[www.ci.madras.or.us](http://www.ci.madras.or.us)

---

**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>  
**Sent:** Wednesday, January 10, 2024 7:51 AM  
**To:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>  
**Cc:** Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>  
**Subject:** Re: Stone Oak

Good Morning Nick - Do we need to be prepared to do anything at the 1/17 PC Hearing?

Thanks,

**April Pust, PE**  
BECON [www.beconeng.com](http://www.beconeng.com)  
549 SW Mill View Way, Suite 100  
Bend, OR 97702  
Cell 425-773-1998  
[apust@beconeng.com](mailto:apust@beconeng.com)

On Wed, Jan 3, 2024 at 12:30 PM Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)> wrote:

April,

See below in red font for my responses.

Nick - Is this correct then? The applications will still be on the agenda for the 1/17 PC Hearing but no decision will be made. **Correct.** The Hearing will be continued to a date in February and in the meantime, staff will complete their findings for the land use decision. **Correct.**

Do we go to City Council after that or could we potentially have approval in February? **The City Council will need to hold a public hearing on the matter as well. I can work on scheduling that hearing date. Please also understand that after the Council holds it's public hearing, the Council will need to pass an adopting ordinance causing effect of the zone change.** Also, is Dirk's email sufficient for the 60 day extension? **Yes, Dirk's email below is sufficient documentation to grant a 60 day extension.**

Let me know if you have any additional questions.

Sincerely,

Nicholas Snead, AICP  
Community Development Director  
City of Madras  
541-475-2344  
[nsnead@cityofmadras.us](mailto:nsnead@cityofmadras.us)  
[www.ci.madras.or.us](http://www.ci.madras.or.us)

---

**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>

**Sent:** Wednesday, January 3, 2024 10:12 AM

**To:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>

**Cc:** Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>

**Subject:** Re: Stone Oak

Nick - Is this correct then? The applications will still be on the agenda for the 1/17 PC Hearing but no decision will be made. The Hearing will be continued to a date in February and in the meantime, staff will complete their findings for the land use decision.

Do we go to City Council after that or could we potentially have approval in February? Also, is Dirk's email sufficient for the 60 day extension?

Thanks,

**April Pust, PE**  
BÉCON [www.beconeng.com](http://www.beconeng.com)  
549 SW Mill View Way, Suite 100  
Bend, OR 97702  
Cell 425-773-1998  
[apust@beconeng.com](mailto:apust@beconeng.com)

On Tue, Jan 2, 2024 at 1:21 PM Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)> wrote:

Nick,

That's all my fault. Really sorry about that.

Let's get on the next available slot (hoping we can do the February 7<sup>th</sup>).

Happy to sign or send authorization for extension in whatever format needed.

If email is approved here, it is.

Thanks for your patience and understanding.



## Dirk van der Velde

Owner | Operator

MOMENTASIZE  
CONSTRUCTION

- 541-480-0706
- dirk@momentasize.com
- 61239 Tetherow Drive,  
Suite 210 Bend, OR 97702
- Momentasize.com

---

**From:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>  
**Sent:** Tuesday, January 2, 2024 7:54 AM  
**To:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>  
**Cc:** Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>; Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>  
**Subject:** RE: Stone Oak

April,

We scheduled a public hearing on 1/17/24. The findings have not been drafted due to our efforts to research development alternatives for your client. I don't think staff and the Planning Commission will be able to make a decision on the matter on 1/17. What I suspect will happen is that the Planning Commission will open the public hearing on 1/17 and continue it to a date and time certain, that being February 7<sup>th</sup> or 21<sup>st</sup>. The City would also request a 60 day extension (authorization via email or letter). Otherwise, the City will be over the 120 day deadline to issue a final decision on the requested permits. Thank you for your assistance and understanding!

Nicholas Snead, AICP  
Community Development Director  
City of Madras  
541-475-2344  
[nsnead@cityofmadras.us](mailto:nsnead@cityofmadras.us)  
[www.ci.madras.or.us](http://www.ci.madras.or.us)

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**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>  
**Sent:** Friday, December 29, 2023 1:48 PM  
**To:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>  
**Cc:** Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>; Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>  
**Subject:** Re: Stone Oak

Nick and Fatima - After completing due diligence, the owner team has decided to continue with the current applications for the rezone, 4 lot tentative plat and apartment site plan. Are we still on the agenda for the Hearing in January?



Thank you for your patience and help as we work through these options. Please let me know if you need anything from us.

**April Pust, PE**  
BECON [www.beconeng.com](http://www.beconeng.com)  
549 SW Mill View Way, Suite 100  
Bend, OR 97702  
Cell 425-773-1998  
[apust@beconeng.com](mailto:apust@beconeng.com)

On Thu, Dec 14, 2023 at 9:02 AM Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)> wrote:

Sounds good, thanks!

Nicholas Snead, AICP  
Community Development Director  
City of Madras  
[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)  
541-475-2344  
[www.ci.madras.or.us](http://www.ci.madras.or.us)

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**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>  
**Sent:** Thursday, December 14, 2023 6:50:02 AM  
**To:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>  
**Cc:** Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>; Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>  
**Subject:** Re: Stone Oak

That is what Redmond requires for this type of development and right about where I thought it should be.

Once we have a concept put together I'll send it over to you guys for feedback.

Thanks!

**April Pust, PE**  
BECON [www.beconeng.com](http://www.beconeng.com)  
549 SW Mill View Way, Suite 100  
Bend, OR 97702  
Cell 425-773-1998  
[apust@beconeng.com](mailto:apust@beconeng.com)

On Wed, Dec 13, 2023 at 9:28 PM Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)> wrote:

April,

MMC 18.25.050(1)(b) will allow “substantial evidence of expected parking demand”. In this case, I’ll utilize the APA’s Parking Standards book for which identifies several off-street parking rates for elderly care facility parking rates to be between .25-.5 spaces per unit plus 1 parking space per employee. My recommendation will be to use .5 parking spaces per unit plus 1 space per employee. You may utilize this guidance moving forward. Staff would rely upon this rate to determine compliance with the off-street parking standards. Should you object to this off-street parking rate, you would need to appeal the land use decision. I’d like to avoid that but I also want to be transparent about your options. Thoughts?

Nicholas Snead, AICP

Community Development Director

City of Madras

541-475-2344

[nsnead@cityofmadras.us](mailto:nsnead@cityofmadras.us)

[www.ci.madras.or.us](http://www.ci.madras.or.us)

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**From:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>  
**Sent:** Wednesday, December 13, 2023 4:53 PM  
**To:** Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)>  
**Cc:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>; Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>  
**Subject:** Re: Stone Oak

Hi Fatima - Dirk is working through a few due diligence items before we officially withdraw the applications that are in review. As soon as he is ready, I'll get the letter to you!

I know that you guys want to see a concept to get a better idea of what we are asking for, but have you given any more thought to the parking requirement in general?

Thanks,

**April Pust, PE**

BECON [www.beconeng.com](http://www.beconeng.com)

549 SW Mill View Way, Suite 100

Bend, OR 97702

Cell 425-773-1998

[apust@beconeng.com](mailto:apust@beconeng.com)

On Wed, Dec 13, 2023 at 6:50 PM Fatima Taha <[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)> wrote:

Hi April,

Please let us know if you would like to withdraw the land use applications below:

File No. SD-23-4, SP-23-4, and ZC-23-1

Fatima Taha

---

**From:** Fatima Taha  
**Sent:** Friday, December 8, 2023 9:58 AM  
**To:** April Pust <[apust@beconeng.com](mailto:apust@beconeng.com)>; Erik Huffman <[ehuffman@beconeng.com](mailto:ehuffman@beconeng.com)>; Dirk van der Velde <[dirk@momentasize.com](mailto:dirk@momentasize.com)>  
**Cc:** Nick Snead <[nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)>  
**Subject:** Stone Oak

Good morning!

Following our conversation this morning, attached is the modification of application form.

Per MDC 18.80.290, a modification for an approval may be filed by the applicant any time after the decision becomes final. Here is the link to the previously approved subdivision decision, File no. SD-23-1

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:a194bab7-2542-3914-b08f-7a303b292f91>

Please note that a modification of approval by request must demonstrate compliance with MDC 18.80.290(4):

(a) A modification by request that does not have significant additional impacts on surrounding properties must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.

(b) A modification by request that has significant additional impacts on surrounding properties must be reviewed under all applicable standards and may, at the discretion of the Community Development Director, require the filing of a new application.

(c) A modification by request that, in the discretion of the decision maker, constitutes a new proposal must be filed as a new application.

(d) The request to modify an approval shall be reviewed by the decision maker that made the initial decision. [Ord. 933 § 16.29, 2019.]

Additionally, please send us a letter stating the request to withdraw Files No. SD-23-4, SP-23-4, and ZC-23-1.

Here is the link to the East Cascade Retirement Community Site Plan decision, File No. SP-08-6 (approved on July 31, 2008):

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:7ffe3c07-5974-3353-a519-67472c6054f4>

Let me know if you have any questions.

Regards,

Fatima Taha, MBA, Ph.D.

Associate Planner | Community Development Department

City of Madras

541-325-0305

[Website](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

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**CITY OF MADRAS  
COMMUNITY DEVELOPMENT DEPARTMENT  
125 SW "E" Street Madras, OR, 97741**

**ADMINISTRATIVE FINDINGS AND DECISION**

**FILE:** SD-23-1

**120 Day Clock:** This land use application was submitted and deemed complete on January 30, 2023. This land use decision was issued on March 29, 2023, which is day 58 of the 120-day clock.

**APPLICANT/  
PROPERTY OWNER:** Momentasize, LLC  
Dirk van der Velde  
VDV Properties  
Ann Marie van der Velde  
16330 Skyline Ranch Road  
Bend, OR 97703

**LOCATION:** The subject properties are adjacent to NE Oak Street. The properties are not addressed but are identified as Tax Lot 2203 on Jefferson County Assessor's Map No. 11-13-01CA.

**ZONING:** Moderate Density Residential (R-1)

**REQUEST:** 10-lot residential subdivision

**DECISION CLASSIFICATION:** Type II

**STAFF REVIEWER:** Fatima Taha, Associate Planner  
[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us), 541-475-2344

### **APPLICABLE STANDARDS AND CRITERIA:**

1. Chapter 1 Government and Administration, Definitions, Right of Entry, Power to Charge Fees and Rates by Resolution.
2. Chapter 3, System Development Charges authority
3. Chapter 10, Traffic Control.
4. Chapter 18 of the Madras Municipal Code (Development Code):
  - a. Chapter 18.10 – Basic Provisions
  - b. Chapter 18.15 – Land Use Zone
  - c. Chapter 18.20 – Public Improvement Standards
  - d. Chapter 18.60 – Land Divisions, Replats, and Property Line Adjustments.
  - e. Chapter 18.80 – Administrative Provisions
6. City of Madras Comprehensive Plan (Ordinance No. 918)
7. City of Madras Public Improvement Design & Construction Standards, Ordinance #922, as amended.
8. City of Madras Transportation Systems Plan, 2019 (Ordinance NO. 926).
9. City of Madras Wastewater System Plan Master Plan, 2018 (Ordinance No. 918).
10. Stormwater Master Plan, April 2005.
11. City Resolution 18-2021, City Fee Rate and Schedule as amended.
12. ITE Trip Generation Manual, Handbook and User’s Guide, 10<sup>th</sup> Edition.

### **FINDINGS OF FACT:**

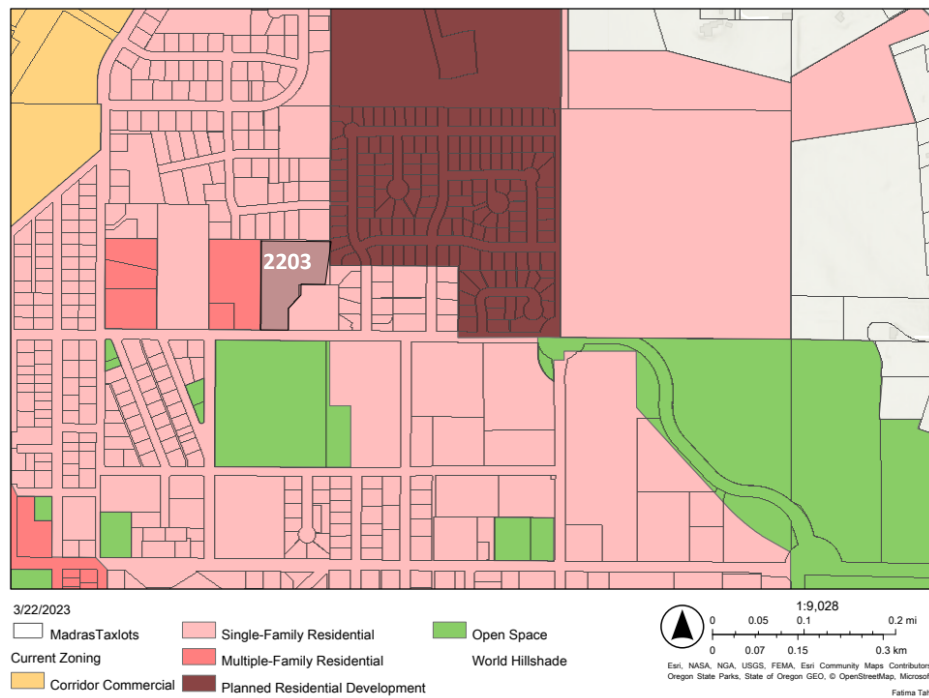
1. **PROPERTY LOCATION:**  
The subject properties are adjacent to NE Oak Street between NE 12th Street and NE Hillcrest Street. The properties are not addressed but are identified as Tax Lot 2203 on Jefferson County Assessor’s Map No. 11-13-01CA.
2. **ZONING AND COMPREHENSIVE PLAN DESIGNATION:**  
The property is designated and zoned Moderate Density Residential (R-1) on the City of Madras Urban Area Comprehensive Plan and Zoning Map (See Figure 1 below).
3. **SITE DESCRIPTION AND SURROUNDING USES:**  
The subject property is approx. 3.5 acres. The property has gentle east to west slope and is vegetated with native grasses, rabbit brush, and sage brush.
4. **PROPOSAL:**  
Single phase, 10 lot residential subdivision.



Figure 1. Aerial Photograph of Subject Property.



Figure 2. Comprehensive Plan Designation and Zoning.



**EXHIBITS**

The following exhibits make up the record in this matter and are on file with the Community Development Department and are incorporated herein by reference into this land use decision to demonstrate compliance with the applicable approval criteria and supplement the findings and conditions of approval.

- Exhibit A: Subdivision application and supporting information submitted by the applicant on January 20, 2023, and thereafter.
- Exhibit B: January 30, 2023, Adjacent Property Owner Notice.
- Exhibit C: January 30, 2023, Development Team Notice.
- Exhibit D: The City of Madras Public Works Director Memorandum (referred to as Memorandum) regarding the proposed development dated February 1, 2023

**5. PROCEDURES, STANDARDS, AND APPROVAL CRITERIA**

**Chapter 18.15  
LAND USE ZONES**

**18.15.040 Moderate density residential (R-1), higher density residential (R-2), and planned residential development (R-3).**

...  
**(2) Uses.**

**(a) Types of Uses.** For the purposes of this section, there are three types of uses:

**(i) A permitted use (P) is a use which is permitted outright subject to zoning review or site plan approval, as applicable, and to all of the applicable provisions of this code. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).**

**(ii) A conditional use (C) is a use which must be approved at the discretion of the Planning Commission and subject to site plan approval, and to all of the applicable provisions of this code. The conditional use specific approval process and criteria are set forth in Chapter [18.65](#) MDC. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).**

**(iii) A prohibited use (X) is one which is expressly prohibited in the zone. In addition, uses not specifically listed as permitted or conditional in MDC Table 18.15.040-1, or which are deemed to be similar uses pursuant to MDC [18.80.320](#), are also prohibited.**

**(b) Use Table.** A list of permitted, conditional, and prohibited uses in residential zones is set forth in MDC Table 18.15.040-1.

<b>Table 18.15.040-1. Uses in the R-1</b>	<b>R-1</b>	<b>Limitations and qualifications</b>
<b>Residential living</b>	<b>P</b>	<b>See MDC Table 18.15.040-2 for permitted housing types.</b>

**(3) Housing Types.**

**(a) Types of Housing Units.** For the purposes of this section, all types of permitted housing are listed in MDC Table 18.15.040-2 below. See MDC [18.05.030](#), Definitions, for specific descriptions of the housing types listed in the table. Minimum lot sizes noted for specific housing types apply only to new lots of record. Existing nonconforming lawfully established lots are permitted to develop housing types permitted in the applicable zone as long as all development standards in MDC Table 18.15.040-3 can be met.

**Table 18.15.040-2. Housing Types in the R-1, R-2, and R-3 Zone**

Use Category	R-1	Limitations and qualifications
Accessory dwelling unit	P	(a) Permitted in conjunction with one single detached dwelling.
Townhouse	P	(a) See MDC <a href="#">18.30.191</a> , Townhouse design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to three dwelling units, attached or detached	P	(a) Permitted on lots 5,000 square feet or greater, per MDC <a href="#">18.50.030</a> . (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to four dwelling units, attached or detached	P	(a) Permitted on lots 7,500 square feet or greater. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Cottage cluster	P	(a) See MDC <a href="#">18.30.192</a> , Cottage cluster design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Apartments	P	(a) Permitted on lots 7,500 square feet or greater (first four units), plus 1,000 square feet for each additional dwelling unit in R-1. (b) Permitted on lots 6,000 square feet or greater (first four units) plus 1,950 square feet for each additional dwelling unit in R-3. (c) Apartments in the R-1 zone are limited to no more than four units per structure, no more than 30 feet in height, no single façade on any single structure may exceed a width of 60 feet, and no more than 24 units in total. (d) See MDC <a href="#">18.30.190</a> , Residential design standards.

**FINDING:** The uses on the lots within the proposed subdivision will be reviewed for consistency with MMC Tables 18.15.040-(1 )& (2) prior to the issuance of Zoning Review by the City of Madras. The applicant proposed triplex and quad-plex dwelling units that are permitted outright in the R-1.

**(4) Development Standards.** In the R-1, R-2, and R-3 zones, the development standards in MDC Table 18.15.040-3 apply. The standards in MDC Table 18.15.040-3 are not applicable to cottage cluster development or townhouse development. See development standards for these housing types in MDC [18.30.191](#) and [18.30.192](#).

**Table 18.15.040-3. Development Standards in the R-1, R-2, and R-3 Zones**

Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
<b>A. Lot Size Requirements</b>				
1. Minimum lot size (square feet)	7,500	7,500	6,000	Minimum lot size in this table applies to all new lots of record except for lots created as part of townhome or cottage cluster developments. For permitted housing types on this lot size see MDC Table 18.15.040-2 above. See MDC <a href="#">18.50.030</a> .
2. Maximum lot coverage (percent of total lot area)	50%	50%	50%	See definition of lot coverage in MDC <a href="#">18.05.030</a> , Definitions, for explanation of what portions of a building on a lot are included.
3. Minimum density (dwelling units per gross acre)	4	4	7	A land division with the residential zones may create a remainder development lot in excess of one-half (1/2) acre only if approved as part of a phased subdivision.
<b>B. Development Standards</b>				
<b>1. Minimum setbacks (feet)</b>				
a. Front	12			In the R-3 zone, apartments must be set back 15 feet from side and rear property lines.
b. Side	5			
c. Rear	5			
d. Garage loaded from a street	20			

Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
e. Garage loaded from an alley	0 or 20			If off-street parking spaces are provided in front of garage, they must be of adequate length to accommodate a full vehicle length to avoid overhang in the right-of-way.
<b>2. Building height</b>				
a. Minimum building height (feet)	none			
b. Maximum building height (feet)	35	45		
<b>3. Side yard height plane (feet)</b>				
a. Maximum height at minimum required side yard depth (feet)	20	25	20	For illustration of the side yard height plane development standard, see MDC <a href="#">18.05.030</a> , Definitions.
b. Slope of plane (degrees)	45	45	45	

**FINDING:** As shown on the proposed plan submitted by the applicant, all of the proposed lots exceed the 7,500 sq. ft. minimum lot size for lots in the R-1 zone. All other standards in Table 18.15.040-3 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**(5) Design Standards. All new one to four dwelling units, accessory dwelling units, townhouses, cottages, and apartments must comply with the design standards found in MDC [18.30.190](#)...**

**FINDING:** The applicant has not proposed development on the lots within the proposed subdivision. The applicable standards in MMC 18.30.190 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**(6) Off-Street Parking Regulations.**  
**(a) See MDC Table [18.25.050-1](#), Required Vehicle Parking.**

**FINDING:** The applicant has not proposed development on the lots within the proposed subdivision. The applicable standards in MMC 18.25.050-1 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**(7) Sanitation Regulations.** Before any structure receives a certificate of occupancy, it must be connected to the City sewer system if the structure is within 300 feet of an existing public sewer line.

**(8) Water Regulations.** Before any structure receives a certificate of occupancy, it must be connected to the City water system unless authorized by the City for connection to an adjoining water system.

**FINDING:** All development on the lots within the proposed subdivision shall be connected to the City's sewer system and a municipal water service. The City will review for compliance with the above stated standards prior to the issuance of Zoning Review by the City of Madras.

**(9) Flood Hazard Areas.** Any structure proposed to be located in the flood hazard area must meet the standards of the Federal Emergency Management Agency (FEMA) and Chapter [18.45](#) MDC.

**FINDING:** The subject property is not located in a 100-year Floodplain as shown on FIRM #4101030001C and therefore the above stated standard does not apply.

**(10) Lighting.** All lighting must comply with the outdoor lighting standards.

**FINDING:** The applicant has not proposed development on the lots within the proposed subdivision. The applicable standards in MMC 18.25160 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

## **Chapter 18.20 PUBLIC IMPROVEMENT AND SITE DEVELOPMENT STANDARDS**

### **18.20.010 Compliance required.**

**All development must be in compliance with this chapter. The term "public improvement standards" is not intended to be limited to publicly owned improvements but to any improvements governed or regulated by this chapter. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.1, 2019.]**

**FINDING:** The materials submitted by the applicant demonstrate that the requirements on MMC 18.20.010 are satisfied. Where the materials submitted by the applicant either do not directly address the requirements on MMC 18.20.010 or the proposal needs to be modified to comply, conditions of approval will be imposed herein this land use decision to ensure the proposal satisfies the above stated standard.

### **18.20.020 Streets.**

**(1) Access.** No development may occur unless the development has frontage or approved access to a public or private street and the following standards are met:

- (a) Streets within or adjacent to a development must be improved in accordance with the design and construction standards.**
- (b) Development of new streets, and additional street width or improvements planned as a portion of an existing street, must be improved in accordance with this section, and public street right-of-way and private street easements must be dedicated to the City.**
- (c) All new and/or existing streets and alleys must be paved per the design and construction standards.**

**FINDING:** The materials submitted by the applicant identify NE Oak Street and the proposed local street will be developed in accordance with City's Public Improvement Design and Construction Standards.

**(2) General.** The location, width, and grade of streets must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system must assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Subdivisions must provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City has adopted a master development plan, street plan, or plat of a neighborhood or area of which the development is a part, the development must conform to such adopted plans or plat.

**FINDING:** Sheet C-4.0 submitted by the applicant identifies the NE Stone Oak Court being extended in a manner that is consistent with the above stated factors.

**(3) Existing Streets.** Whenever existing streets, adjacent to or within a development, are of inadequate width to accommodate the increase in traffic expected from the development or by the City's transportation policies, additional right-of-way must be provided at the time of the land development by the applicant. During consideration of the development, the City Public Works Director will determine whether the improvements to existing streets, adjacent to or within the development, are required. If so determined, such improvements shall be required as a condition of approval of the application. Improvements to adjacent streets shall be required where traffic on said streets is directly affected by the proposed development.

**(4) Minimum Right-of-Way and Roadway Width.** The street right-of-way and roadway surfacing widths must be in conformance with standards and specifications set forth in the design and construction standards.

**FINDING:** As shown on Sheet C-4.0 submitted by the applicant has proposed NE Oak Street rights-of-way in a manner consistent with the City's local street standards in the Public Improvement Design and Construction Standards. Therefore, the rights-of-way will meet City standards and the above stated standards.

**(5) Extension of Streets.** Streets must be extended "to and through" the development, meaning that streets meeting the design and construction standards are extended along all frontages. The resulting dead-end streets may be approved without a permanent turn-around.

**FINDING:** As shown on Sheet C-4.0 submitted by the applicant NE Oak Street is an existing street for which does not need to be extended as the entire subject property is adjacent to NE Oak Street. Therefore, there are no "to and through" improvements to be made.

**(6) Frontage and Access.** If a development abuts or contains an existing or proposed collector or arterial street, the Public Works Director shall restrict or limit access by means consistent with the design and construction standards. The Public Works Director may require private streets with access easements, reciprocal access easements, access restriction agreements, reserve strips, or similar requirements to achieve the objectives of this subsection. Provision may be made for emergency



**access. All private streets and access drives must comply with applicable standards set forth in the design and construction standards.**

**FINDING:** The City's TSP does identify NE Oak Street as a Minor Collector. NE Stone Oak Court will be classified as a Local Street, as identified in the City's Public Improvement Design and Construction Standards. Access to each of the proposed parcels will be permitted in accordance with the City's Public Improvement Design and Construction Standards for Local Streets.

**(7) Continuation of Streets. New streets or street extensions that constitute the continuation of existing streets in contiguous territory must be aligned along their respective centerlines to produce a straight street. Where straight line continuations are not possible, such centerlines shall be continued as curves. These streets or the continuation of streets in contiguous territory may be required by the Public Works Director where such continuation is necessary to maintain the function of the street or desirable to support development of the surrounding area. Where solar orientation would not be possible if the street area continued, a new pattern acceptable to the Public Works Director may be started that is solar-oriented.**

**FINDING:** As shown on Sheet C-4.0 submitted by the applicant has not proposed extending NE Oak Street. Nor has the City's Public Works Director required such. Therefore, this standard does not apply.

**(8) Street Layout. Streets should be oriented to form a grid to the greatest possible extent.**

**(9) Intersection Angles. Street intersections must be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.**

**FINDING:** As shown on Sheet C-4.0 submitted by the applicant has proposed extending NE Oak Street in a manner consistent with the above stated standards whereby NE Oak Street and Stone Oak they intersect at a 90-degree angle.

**(10) Street Names. Except for extensions of existing streets, no street name may be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers must conform to the established pattern in the City and are subject to the approval of the Fire Department and Public Works Director.**

**FINDING:** As shown on Sheet C-4.0 submitted by the applicant has proposed naming the local street NE Stone Oak Court addressing the requirements of the above stated standard.

**(11) Alignment and Separation. The alignment of streets and the separation distances between streets shall be governed by the design and construction standards. [Ord. 933 § 4.2, 2019.]**

**FINDING:** As shown on Sheet #1 submitted by the applicant has proposed dedicating NE Oak Street rights-of-way in a manner consistent with the City's local street standards in the Public Improvement Design and Construction Standards.

**18.20.030 Sidewalks and pedestrian amenities.**

**(1) Sidewalks.** Sidewalks are required to be installed along all frontages of the subject property and on both sides of internal streets unless waived by the Public Works Director. The location of the sidewalks, whether curb side or property lines, will be determined by the Public Works Director.

**FINDING:** As shown on Sheet C-4.0 submitted by the applicant has proposed Sidewalks are proposed along both sides of the new local street as well as dedicating NE Oak Street rights-of-way in a manner consistent with the City's local street standards in the Public Improvement Design and Construction Standards.

**(2) Bicycle Routes/Multi-Use Paths.** If appropriate to the extension of a system of bicycle routes and multi-use paths, existing or planned, the City may require the installation of separate bicycle lanes within streets and/or the dedication of easements or rights-of-way for multi-use paths. [Ord. 933 § 4.3, 2019.]

**FINDING:** Staff finds there are not existing or proposed bicycle routes or multi-use paths on or adjacent to the subject property therefore no changes are required to the proposed subdivision plan based on the above stated standard.

**18.20.040 Frontage and access.**

Except as otherwise provided herein, every lot must abut a street (other than an alley) for at least 50 feet and access to all lots or parcels must comply with the access management strategies contained in the Transportation System Plan. Notwithstanding the foregoing, townhome/zero-lot line subdivisions (as defined in MDC [18.60.110](#)) may have as little as 25 feet of frontage, properties abutting a cul-de-sac only require 30 feet of frontage, properties within commercial zones may have as little as 30 feet if access is shared with at least one adjoining property with no less than 30 feet of frontage, and cottage lots within a cottage cluster subdivision need not have any frontage when abutting a public utility easement that connects to a street (to allow for extension of utilities to the lot) and access easements acceptable to City are provided to the cottage lot.

**Table 18.20.040.**

Type of Development	Minimum Frontage
Regular lot	50 feet
Lots fronting a cul-de-sac	30 feet

**FINDING:** As shown on Sheet C-3.0 submitted by the applicant, the lots within the proposed subdivision meet or exceed the standards for lots in Table 18.20.040.

**18.20.050 Utilities.**

**(1) Underground Facilities.** All permanent utility services, both existing and any new proposed utilities infrastructure, must be provided from underground facilities and no overhead utility service shall be permitted; with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground. All development must:

- (a) Provide underground electricity and telephone service and wiring for future street lighting. The developer must also provide such present street lighting, gas lines, and cable television or other data transmission lines as may be required by the City Public Works Director.

- (b) Obtain all necessary permits for the placement of all underground utilities.
- (c) Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with the rules and regulations of the Public Utility Commission of the State of Oregon.
- (d) All underground utilities, sewer lines, and storm drains installed in streets must be constructed prior to the surfacing of such streets to the extent practicable, and sewer lines must be placed to such lengths as will obviate the necessity for disturbing the street improvements when service connections are made.
- (e) Utilities must be installed prior to paving or other surface improvements.

**FINDING:** The materials submitted by the applicant propose extending utilities underground. The applicant provided will serve letters. This standard is satisfied.

**(2) Utility Easements.** Easements must be provided along property lines when necessary for the placement of utilities. Such easements must be “public utility easements” and must be marked as such on a final plat or any instrument dedicating such easements. Unless otherwise approved by the Public Works Director, utility easements must be at least 12 feet in width and centered on lot lines where possible.

**FINDING:** Sheet C-3.0 submitted by the applicant does identify easements therefore the above stated standard does apply.

**(3) Deferred Development.** Locating or relocating utility installations underground for any development may be deferred when, in the discretion of the Public Works Director, impacts on existing utilities, timing of utility projects, or other considerations make deferral advantageous. Any such deferral must be memorialized in an instrument recorded against the property. [Ord. 933 § 4.5, 2019.]

**FINDING:** The materials submitted by the applicant do not include a request to defer undergrounding utilities therefore the above stated standard does not apply.

**18.20.060 Street trees.**

**(1) Purpose.** This section sets standards and requirements for planting trees along all streets for shading, comfort, safety, and aesthetic purposes and is intended to implement the City of Madras Urban Forestry Plan. Requirements for street tree planting and tree wells are provided herein. Planting along unimproved streets must be deferred until after the construction of curbs and sidewalks. Such deferrals must be secured with a bond or cash deposit acceptable to the City. Street trees must conform to the following standards and guidelines:

(a) Street trees must be selected from the following list of preferred trees or of a species approved by the City Public Works Director:

- Cherry (Japanese Flowering)
- Crab Apple (Pink, Red, White)
- Golden-Raintree
- Hawthorn (English, Lavalley, Washington)
- Pear, Flowering
- Plum, Flowering Purple
- Redbud, Eastern
- Ash (Green, White)

Birch, River  
Catalpa, Northern  
Ginkgo  
Hackberry, Common  
Honeylocust, Common Thornless  
Linden (American, Crimean, Littleleaf)  
Maple (Crimson King, Schwedler, Emerald Queen, Sugar)  
Pagoda Tree, Japanese  
Sweetgum, American  
Beech (American, European)  
Kentucky Coffeetree  
Oak (Bur, Pin, Red, Scarlet, White)  
Planetree, London

**(b) All trees must have at least a one-inch caliper trunk and must be planted in accordance with City specifications.**

**(c) Trees must be spaced 30 to 40 feet apart or as recommended by the Public Works Director and must be planted no closer than 35 feet from any intersection.**

**(d) Street trees must be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees must be planted no closer to the curb or sidewalk than three feet, medium trees – three feet, and large trees – four feet. Root barriers may be required with street tree planting to protect the City's curbs and sidewalks.**

**(e) The placement of street trees may be waived if the Public Works Director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, or public or private utilities.**

**(f) For land divisions, the Public Works Director may defer the planting of street trees until physical development of the site where anticipated development may result in street trees being damaged or having to be replaced.**

**(g) All street trees must be maintained in a healthy and aesthetically pleasing manner. Any tree that dies or becomes diseased must be removed and replaced with a healthy tree within a reasonable time period of noticing that a tree needs to be removed. [Ord. 933 § 4.6, 2019.]**

**FINDING:** The materials submitted by the applicant do not include provisions demonstrating compliance with the above stated standards. When reviewing a Zoning Review for each lot, the City will review the associated plans for compliance with MMC 18.20.060. Nonetheless, it shall be a condition of approval that the developer of each lot shall install street trees in the landscaping strip in NE Stone Oak Street adjacent to each lot at the time of development in a manner consistent with the City's Public Improvement Design and Construction Standards and MMC 18.20.060.

**CONDITION OF APPROVAL:** The developer of each lot shall install street trees in the landscaping strip in NE Stone Oak Street adjacent to each lot at the time of development in a manner consistent with the City's Public Improvement Design and Construction Standards and MMC 18.20.060.

**18.20.070 General provisions.**

**(1) Street Lighting. The developer must provide street lighting with underground wiring to the standards set forth in the design and construction standards.**

**FINDING:** The materials submitted by the applicant do not include provisions demonstrating compliance with the above stated standards. The Public Works Director's Memorandum for the proposed development dated February 1, 2023, include the requirement to install streetlights. Therefore, it shall be a condition of approval that the applicant is to submit construction plans to the Public Works Department for review and approval that includes the installation of streetlights in a manner consistent with the City's Public Improvement Design and Construction Standards.

**CONDITION OF APPROVAL:** The applicant shall submit construction plans to the Public Works Department for review and approval that includes the installation of streetlights in a manner consistent with the City's Public Improvement Design and Construction Standards.

**(2) Fire Hazards. The Fire Marshal must approve the placement of fire hydrants or other firefighting apparatus, and the points of access to the subdivision to provide the residents adequate fire safety and assured access for emergency vehicles and ease resident evacuation.**

**FINDING:** The materials submitted by the applicant do not include provisions demonstrating compliance with the above stated standards. Prior to final plat, that applicant shall submit all necessary plans to the Jefferson County Fire & EMS District in accordance with the applicable standards administered by the District.

**CONDITION OF APPROVAL:** Prior to final plat, that applicant shall submit all necessary plans to the Jefferson County Fire & EMS District in accordance with the applicable standards administered by the District.

**(3) Water/Sewer. All development must provide water and sewer lines "to and through" the proposed development, be constructed to the design and construction standards, and approved by the City Public Works Director. All lots must be served from the City of Madras water system or by water systems acceptable to the City. Water mains and service lines must be installed prior to the curbing and paving of new streets. [Ord. 933 § 4.7, 2019.]**

**FINDING:** As shown on Sheet C-4.0 provide by the applicant, sewer and water service mains will be extended to and through the proposed development.

**18.20.080 Grading and drainage.**

**(1) Grading. Except with the approval of the Public Works Director, grading or clearing is not permitted prior to receipt of land use approval. All grading must be performed to the standards set forth in the design and construction standards including, without limitation, requirements for dust abatement and noxious weed prevention.**

**FINDING:** The materials submitted by the applicant do not include provisions demonstrating compliance with the above stated standards. It shall be a condition of approval that the applicant obtain prior written approval from the City of Madras Public Works Director for all grading and or clearing activities prior to the Public Works Department issuing Construction Plan approval

**(2) Drainage. Unless otherwise approved by the Public Works Director, all drainage must be managed on site. All development requiring grading must submit a stormwater management plan prepared by a licensed engineer demonstrating how the development will comply with the design and construction standards.**

**FINDING:** The materials submitted by the applicant do not include provisions demonstrating compliance with the above stated standards. The Public Works Director's Memorandum for the proposed development dated February 1, 2023, include the requirement for stormwater to be managed in accordance with City standards. Therefore, it shall be a condition of approval that the applicant is to submit construction plans to the Public Works Department for review and approval that includes stormwater management in a manner consistent with the City's Public Improvement Design and Construction Standards.

**CONDITION OF APPROVAL:** The applicant is to submit construction plans to the Public Works Department for review and approval that includes stormwater management in a manner consistent with the City's Public Improvement Design and Construction Standards.

**(3) Watercourse. If a development is traversed by a watercourse, such as a drainage way, channel, or stream, the developer must dedicate a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse or in such further width as will be adequate for the purpose as determined by the Public Works Director. Streets or parkways parallel to major watercourses and drainage ways may be required. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.8, 2019.]**

**FINDING:** The subject property is not located near or adjacent to any watercourse and therefore the above stated standard does not apply.

**18.20.090 Special setbacks.**

**(1) If special building setback lines are to be established as part of a development, they must be shown on the tentative plan or other submittal document and memorialized on the final plat or in other deed restrictions satisfactory to the City.**

**FINDING:** The applicant has not requested any special setbacks other than those specified in the standards identified in this land use decision. Similarly, no other agency has requested special setbacks.

**(2) If development is proposed along a street with substandard right-of-way, development on the subject property must be set back a distance from the centerline of the right-of-way equal to one-half (1/2) of the applicable minimum right-of-way width based on street classification as identified in the Transportation System Plan, plus the applicable setback for the zone in which the subject property is located. [Ord. 933 § 4.9, 2019.]**

**FINDING:** Sheet C-4.0 submitted by the applicant identifies NE Stone Oak Street to be dedicated in a manner consistent with the City's local street standards. Therefore, the right-of-way that will be dedicated is appropriate and no special setbacks are necessary.

**18.20.100 Improvement procedures.**

**In addition to other requirements, improvements to be installed by the applicant, either as a requirement of this Development Code or other applicable regulations, or at the election of the applicant, must conform to the requirements of this section.**

**(1) Plan Review and Approval.** Improvement work must not be commenced until plans have been reviewed by the Subdivision Committee established pursuant to MDC [18.60.040](#). To the extent necessary for evaluation of a proposed development, such improvement plans may be required before land use approval.

**(2) Improvements as Approved.** Improvements must be designed, installed, and constructed as approved.

**FINDING:** Sheet C-4.0 submitted by the applicant does not identify the proposed street improvements. Based on the Public Works Director's Memorandum dated February 1, 2023, the applicant is to improve NE Stone Oak Street to the City's Local Street standard as identified in the City's Public Improvement Design and Construction Standards. Furthermore, the Public Works Director's Memorandum includes the timing of public street improvements. Based on the applicant's ability to comply with the requirements of the Public Works Director's Memorandum dated February 1, 2023, the above stated standard is satisfied.

**CONDITION OF APPROVAL:** The applicant shall construct all public infrastructure improvements in accordance with the Public Works Director's Memorandum dated February 1, 2023, and the City's Public Improvement Design and Construction Standards prior to final plat.

**(3) Improvement Plans.** Plans and maps stamped by a licensed engineer showing public improvements must be filed with the City Public Works Department prior to commencing the work.

**(4) Inspection.** Improvements must be constructed under the inspection and approval of the Public Works Director. The Public Works Director may accept certification of a registered professional engineer consistent with ORS [92.097](#). Expenses incurred shall be borne by the applicant.

**(5) As-Built.** "As-built" drawings stamped by a licensed engineer must be filed with the City upon completion of the public improvements. [Ord. 933 § 4.10, 2019.]

**FINDING:** Sheet C-4.0 and all other application materials submitted by the applicant do not satisfy the above stated standards. All plans and maps shall be stamped by a licensed engineer for the required NE Stone Oak public improvement plans.



**CONDITION OF APPROVAL:** Prior to construction, the applicant shall submit public improvement plans for NE Stone Oak Street improvements in accordance with the City's Public Improvement Design and Construction Standards that are prepared and stamped by a licensed engineer. Said improvements shall be constructed and inspected in accordance with the City's Public Improvement Design and Construction Standards.

**18.20.110 Acceptance of improvements.**

**Improvements must be considered for acceptance after inspection by the City Public Works Department at the time the improvements are constructed. [Ord. 933 § 4.11, 2019.]**

**FINDING:** The materials submitted by the applicant do not address the above stated standards. Therefore it shall be a condition of approval that the applicant shall comply with the requirements of MMC 18.20.100 and MMC 18.20.110.

**CONDITION OF APPROVAL:** The applicant shall comply with the requirements of MMC 18.20.100 and MMC 18.20.110.

**18.20.120 Public park dedication/park fund.**

**All subdivisions must comply with the following standards:**

**(1) All subdivisions must dedicate at least eight percent (8%) of the gross area of the property proposed to be subdivided to the City of Madras for public parks, open space, trails, and other recreational purposes.**

**(2) The Public Works Director will determine the manner in which the property is dedicated or conveyed to the City including, without limitation, the form of the instrument and the timing of the dedication or conveyance.**

**(3) Property dedicated to the City for public parks, open space, trails, and other recreational purposes should be located to ensure maximum access, visibility, use, reduce maintenance needs, to maintain public safety, and minimize adverse impacts to neighboring residents and must otherwise:**

- (a) Be consistent with the provisions of the City of Madras Parks and Open Space Master Plan;**
- (b) Front at least two public streets;**
- (c) Be located on a part of the site that can reasonably be developed with public parks, open space, trails, and other recreational purposes as determined by the Public Works Director considering: slope, topography, watercourses, drainage facilities, rock outcroppings, underground and overhead utility services, easements and encumbrances, availability of domestic water and sewer service, and proximity to existing or planned streets; and**
- (d) Comply with the City's Transportation System Plan, Trails Plan, and Safe Routes to School Plan standards and specifications for trail improvements.**

**FINDING:** The above stated standards apply to the proposed subdivision. Sheet C-4.0 submitted by the applicant does not include dedicating a portion of the subject property to the City for a public park. However, staff incorporates herein by reference the findings of compliance with MMC 18.20.120(5) to demonstrate compliance with the above stated standards.

**(4) Trails crossing public right-of-way used for vehicular transportation (i.e., road crossings) must comply with standards specified in the City’s Transportation System Plan, Trails Plan, Safe Routes to School Plan and Americans with Disabilities Act (ADA) including, without limitation, location, sight distances, and construction specifications.**

**FINDING:** The applicant has not proposed a trail crossing. Additionally, the Public Works Director’s Memorandum for the proposed development does not include such requirement. Therefore, the above stated standard does not apply.

**(5) The Public Works Director, in his or her sole discretion, may allow a payment in lieu for all or a part of the required dedication of property to the City of Madras for public parks, trails, and recreational purposes. If a developer is permitted to pay fees to the City of Madras in lieu of dedicating property, the fees must be equal to eight percent (8%), or a proportionately lesser amount if a partial dedication/partial fee in lieu is approved, of the real market value (RMV) of the property proposed to be subdivided. The RMV of the property shall be established from the most recent tax assessment for the property proposed to be subdivided by the Jefferson County Assessor.**

**(6) Expenditure of Funds. Funds collected from a developer in lieu of dedicating public park, trail, and recreation land shall be credited to a park acquisition and development fund and must be deposited with the City Finance Director prior to the final plat of the subdivision (for multi-phase subdivisions, prior to phase 1 final plat approval). Such funds may be expended only on order of the City Council for the purpose of acquiring, developing, or maintaining existing land for parks, trail, or recreational purposes. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 4.12, 2019.]**

**FINDING:** As stated in the Public Works Director’s Memorandum dated February 1, 2023, the Director will not require the applicant to dedicate a portion of the subject property for a public park. Instead, the Director has required the applicant to pay a fee of \$12,048 to the City in lieu of the park dedication in the amount of 8% of the subject property’s the real market value (RMV) of \$150,600 based the 2023 Jefferson County Assessor’s tax assessment for the property. This fee shall be paid by the developer to the City of Madras prior to platting the first phase of the subdivision. In so doing, the requirements of MMC 18.20.120 are satisfied.

**CONDITION OF APPROVAL:** The applicant shall pay a fee of \$12,048 to the City in lieu of the dedication of private property in the amount of 8% of the subject property’s the real market value (RMV) based the 2023 Jefferson County Assessor’s tax assessment for the property. This fee shall be paid by the developer to the City of Madras prior to platting the first phase of the subdivision.

**18.20.130 Waiver, modification, and deferral of public improvement standards.**

**(1) Authority to Grant Waiver, Modification, or Deferral. Waivers, modifications, and/or deferrals of the standards of this chapter and/or the design and construction standards may be granted as part of a development approval only if the criteria of subsection (2) of this section are met.**

**(2) Criteria. The Public Works Director may waive, modify, or defer any requirement of the Public Improvement Standards and/or the design and construction standards if the Public Works Director finds that: (1) the waiver or modification will not harm or will be beneficial to the public in general; (2) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of ensuring adequate public facilities; and (3) one or more of the following conditions are met:**

- (a) The modification or waiver is necessary to eliminate or reduce impacts on existing drainage patterns or natural features such as riparian areas, significant trees or vegetation, or steep slopes.
- (b) An existing structure, such as a substantial retaining wall, makes widening a street or right-of-way or required placement of lines impractical or undesirable.
- (c) Street access to an existing lot would be eliminated without the waiver or modification.
- (d) Building on an existing lot would be infeasible without the waiver or modification.
- (e) The standard is a street or right-of-way standard and existing structures on the same side of the block make future widening of the remainder of the street or right-of-way unlikely and the additional width on the development site would not be beneficial for sidewalks or parking without the extension for the rest of the block.
- (f) The modification or waiver is needed to allow development of, or street access to, the property because of topographical constraints.
- (g) The existing infrastructure: (i) does not meet current standards; (ii) is and will remain functionally equivalent to current standards; and (iii) there is little likelihood that current standards will be met in the area.
- (h) The installation of the required improvements would likely cause unacceptable significant adverse environmental impacts and the waiver/modification would avoid such impacts.
- (i) There is insufficient right-of-way to allow a full width street cross-section and additional right-of-way cannot be provided.
- (j) There is no street or right-of-way adjacent to the property and easement access has been obtained across private property.
- (k) Required street frontage improvements for individual single-family dwellings could best be accomplished by planned area-wide improvements at a future date.
- (l) The City has conflicting or inconsistent standards and the proposal would comply with one set of adopted standards. Standards are conflicting or inconsistent only when it is not possible to comply with both. In most situations, the more recently adopted standard should be followed and the older standard may be waived.
- (m) There is a readily identifiable future project in which the required improvements or other obligation of the developer under the Public Improvement Standards will be satisfied and deferral to the future project will not unduly burden the ability to serve the subject property or adjoining properties with public facilities.
- (n) Maximization of the number of lots or parcels in a land division is not a reason to allow a waiver or modification.

**FINDING:** The applicant has not requested any modifications to the applicable standards for development related to the public improvements. Therefore, the above stated standard does not apply.

**(3) Other Requirements Not Waived.** Any waivers under this section do not exempt the developer from submitting plans that meet all other applicable specifications.

**FINDING:** Unless specified herein, the applicable standards to the proposed subdivision.

**(4) Application Requirements.** The application for a waiver, modification, or deferral must be in writing submitted as part of a development application and shall be subject to applicable fees established by the City Council. The application must specify which requirement(s) of this chapter and/or the design and construction standards are at issue and which of the condition(s) listed above are met. The application must contain a statement explaining why the deviation from the required

standards is necessary and why the waiver or modification sought will not harm or will be beneficial to the general public.

(5) **Conditions.** The City may impose any condition of approval necessary to satisfy the purposes of this chapter, including, without limitation, requiring a signed agreement not to remonstrate against the formation of a local improvement district. [Ord. 933 § 4.13, 2019.]

**18.20.140 Improvement agreement.**

(1) A developer may, in lieu of constructing required public improvements, request the City Administrator to approve an agreement between himself and the City specifying the schedule by which the required improvements and repairs must be completed; provided, however, any schedule of improvements agreed to must not exceed three years from the date the approval establishing the required improvements becomes final. The agreement must also provide the following information:

- (a) A list of all the contractors who will construct or complete the improvements and repairs required, and the cost of the project.
- (b) That developer must post a performance bond or other security acceptable to the City and that the City may call upon the security filed to construct or complete the improvements and repairs if the schedule of improvements is not adhered to.
- (c) That the City shall recover the full cost and expense of any work performed by the City to complete construction of the improvements and repairs, including, but not limited to, attorneys' and engineering fees.
- (d) That a warranty bond for one year must be deposited with the City following acceptance of the improvements. Said bond must be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director.
- (e) A waiver of remonstrance against formation of a local improvement district if the required improvements are not timely completed.
- (f) Such other provisions as deemed appropriate by the City.

(2) The City Administrator may reject an agreement authorized by this section for any reason the Administrator deems sufficient. [Ord. 933 § 4.14, 2019.]

**18.20.150 Bond, cash deposit or guarantee.**

(1) If the City Administrator allows a developer to enter into an improvement agreement in lieu of completing required improvements, the developer must file one of the following to assure full and faithful performance under the improvement agreement:

- (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney;
- (b) A cash deposit in a City account at an approved lending institution; or
- (c) Other security satisfactory to the City.

(2) The value of the security provided by the developer must be for one hundred twenty percent (120%) of the cost of the improvements and repairs as determined by the Public Works Director.

(3) If the developer fails to carry out the provisions of the agreement, the City may call upon the bond, cash deposit, or other security to finance any cost or expenses resulting from said failure. The City may also elect to form a local improvement district to lien the properties in accordance with the relevant provisions of Oregon State Law and Madras City Code. If the amount of the deposit or bond exceeds the cost and expense incurred by completing the improvements, the City shall release the remainder. If the amount of the deposit or bond is less than the cost and expense incurred by the City

for the improvements and repairs, the developer is liable to the City for the difference. [Ord. 933 § 4.15, 2019.]

**FINDING:** The applicant has not requested a waiver or modification to the standards applicable to the required public improvements. Therefore, the above stated standards do not apply.

**18.20.160 Street dedications.**

Any person desiring to create a street that is not part of a subdivision or partition must make written application to the City Public Works Department. Said application must be accompanied by the required information and appropriate filing fee. [Ord. 933 § 4.16, 2019.]

**18.20.170 Minimum design standards.**

The minimum standards of design and improvements for the dedication of a street shall be the same as set forth in the design and construction standards and must be in compliance with other applicable street standard regulations. [Ord. 933 § 4.17, 2019.]

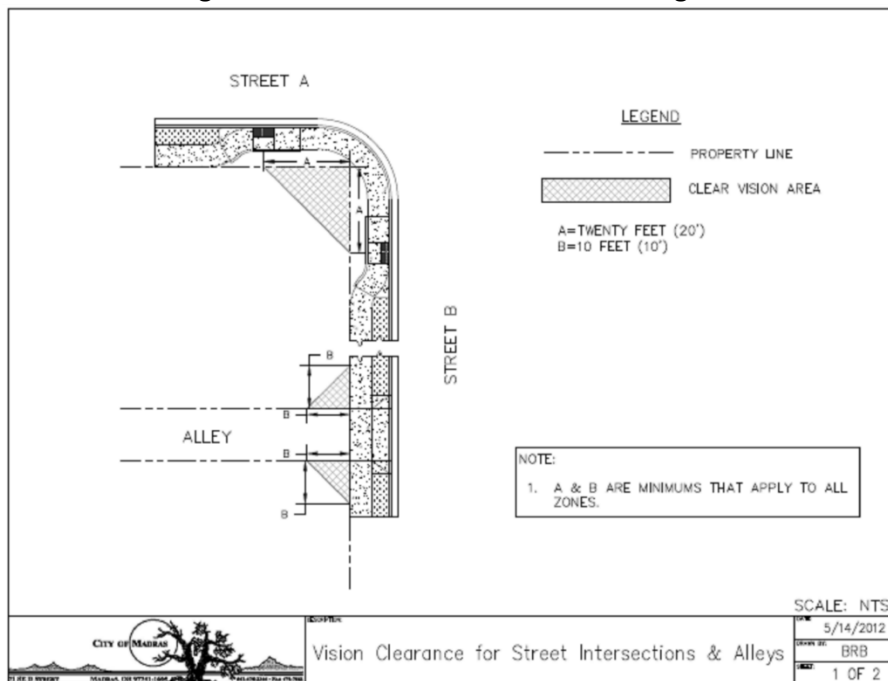
**Chapter 18.25  
SUPPLEMENTARY PROVISIONS**

**18.25.090 Vision clearance.**

Vision clearance must be maintained in all zoning districts. The size of the vision clearance area is described below and shown in MDC Figure 18.25.090-1:

- (1) The minimum distance is 20 feet at intersections comprised of two streets or one street and a railroad right-of-way.
- (a) Exception. This standard does not apply to the Downtown Commercial Zone (C2).
- (2) At intersections of commercial/industrial access, the minimum distance is 15 feet.
- (3) At intersections including an alley, the minimum distance is 10 feet.

**Figure 18.25.090-1. Vision Clearance Diagram**



**FINDING:** The materials submitted by the applicant do address the above stated standards. Therefore, this standard is satisfied.

**18.25.160 Outdoor lighting standards.**

**(1) Purpose.** The purpose of the outdoor lighting standards is to allow reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; and help protect the natural environment from the damaging effects of night lighting.

**(2) Outdoor Lighting Standards.**

- (a) Outdoor lighting, including that for signage, must not project directly into an abutting lot.**
- (b) Unless necessary for safe and convenient air travel, outdoor lighting must not project directly into the airport runway, taxiway, or approach safety zone.**
- (c) All outdoor lighting must be shielded such that the source of light, or light reflective or amplifying device, is not visible from adjacent properties or right-of-way.**
- (d) Outdoor lighting shall not blink, strobe, move, or rotate unless required by the FAA.**
- (e) Unless otherwise provided in the Development Code, lighted poles must not exceed 20 feet in height.**
- (f) Wiring for monument signs and similar permanent lighting installations must be underground or otherwise not visible.**
- (g) All street lighting must comply with the design and construction standards. [Ord. 933 § 5.16, 2019.]**

**FINDING:** The applicant has not proposed development on the lots within the proposed subdivision. The applicable standards in MMC 18.25.160 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**CONDITION OF APPROVAL:** The applicant shall submit all applicable information with each Zoning Review for the development of each lot that demonstrates compliance with MDC 18.25.160.

**18.25.170 Landscaping standards.**

**(1) General Standards.** Unless otherwise specified for a specific use or zone in this Development Code, the minimum amount of landscaping is established by zone as follows:

R-1:	15%
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**(2) Specific Standards.** Landscaping shall comply with the following standards:

- (a) Plant Selection.** Native vegetation shall be preserved or planted where practical. A combination of live nonnative deciduous and evergreen trees, shrubs and ground covers, including lawn, shall be used for all planted areas. Drought-tolerant plantings are encouraged. Fire-resistive plants should be planted in areas or on slopes where necessary to reduce the risk of fire spreading to structures. As necessary, soils shall be amended to allow for healthy plant growth.

(b) **Hardscape Features.** Ground-level areas for passive use, such as patios, decks, plazas, paved dining areas, etc., may cover up to fifteen percent (15%) of required landscaping area; swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscaping requirement.

(c) **Stormwater Facilities.** Stormwater facilities (e.g., detention/retention ponds and swales) that are landscaped can be counted in the required amount of landscaped area on the site. Planting of broadleaf canopy trees is encouraged as effective surface water interceptors.

(d) **In the R-1, R-2, and R-3 zones,** at least fifty percent (50%) of the required landscaping must be located in the front yard setback or otherwise between the structure and the front property line.

(e) **Landscaped areas must be appropriately irrigated.** Xeriscaping may be unirrigated at the discretion of the Community Development Director.

(f) **Required landscaping must be continuously maintained.** Plants or trees that die or are damaged must be replaced and maintained similar to initially installed landscaping.

(g) **Surface drainage must be managed in accordance with the Public Improvement Standards.**

(h) **Ground-level areas for passive use, such as patios, decks, etc., may cover up to fifteen percent (15%) of the required landscaping area; swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.**

(a) **New Construction.** Landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up security in an amount established by the City's fee schedule to the Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the Finance Department shall release the bond back to the developer. The developer has one year from the date of final inspection to complete landscaping the lot.

**FINDING:** The applicant has not proposed development on the lots within the proposed subdivision. The applicable standards in MMC 18.30.170 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

#### **18.25.180 Transportation impact studies.**

##### **(1) Applicability.**

(a) **A transportation impact analysis shall be required under the following circumstances:**

(i) **The development generates fifty (50) or more peak hour trips or five hundred (500) or more daily trips.**

(ii) **An access spacing exception is required for the site access driveway(s) or access is proposed from an arterial or collector street.**

(iii) **The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.**

(iv) **The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high accident locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.**



(v) Otherwise as determined by the Public Works Director.

**FINDING:** The applicant has proposed a 10-lot subdivision. The proposed development will create up to 246 Average Daily Trips and 20 PM Peak Hour trips. Therefore, the proposed development is not required to prepare a TIA for the proposed development.

**Chapter 18.30  
SPECIAL STANDARDS FOR CERTAIN USES**

**18.30.190 Residential design standards.**

**(1) Purpose.** The residential design standards are intended to facilitate the development of attractive housing while promoting multi-modal transportation, attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

**(2) Aspirational Provisions.** The following are not approval criteria but aspirations for residential development with the City. Developers are encouraged to design their developments to achieve the following:

(a) **Livability.** Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, providing housing in close proximity to existing commercial uses, and providing public and private open spaces for outdoor use.

(b) **Compatibility.** Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Madras while being sensitive to the natural topography and significant natural features.

(c) **Safety and Functionality.** Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety and is well integrated into the city’s overall circulation system.

**(3) Applicability.**

(a) **Applicability for New Construction.** Residential design standards apply to new construction of all forms of dwellings but are not uniformly applied to each type of dwelling unit or type of site development. Applicability (or nonapplicability) of specific residential design standards to specific dwelling types is set forth in MDC Table 18.30.190-1. Additional design standards for townhouses and cottage clusters can be found in MDC [18.30.191](#) and [18.30.192](#).

**Table 18.30.190-1. Applicability of Residential Design Standards by Housing Type in R-1, R-2, R-3, C-1, C-2, and C-3 Zones**

Design Standard	Applicability				
	1 – 4 units (attached or detached)	Cottage Clusters	Townhouses	Apartments	Mixed-Use Building or Development
<b>(a) Articulation</b>	[2]	[2]	[2]	[2]	[10]

Design Standard	Applicability				
	1 – 4 units (attached or detached)	Cottage Clusters	Townhouses	Apartments	Mixed-Use Building or Development
(b) Transparency	[2] [3]	[2] [3]	[2] [3]	[2]	[10]
(c) Main entrance	[2] [3]	[2] [3]	[2] [3]	N/A	[10]
(d) Detailed design	[2]	[2] [3]	[2] [3]	[2] [7]	[10]
(e) Transitional space	[2] [7]	[2] [7]	[2] [7]	[2] [7]	[10]
(f) Common area	[11]	[8]	[1] [11]	[9] [11]	[11]
(g) Pedestrian circulation	[1] [5]	[1] [5]	[2] [7]	[1]	[1]
(h) Off-street parking	[1]	[1] [4]	[1] [4]	[1] [4]	[1] [4]
(i) Privacy and screening	N/A	[1]	[1]	[1]	[1]
(j) Storage	[6]	[6]	[6]	[6]	[6]
(k) Trash enclosures	[12]	[1]	[1]	[1]	[1]

**Table 18.30.190-1 Legend:**

- 1 Applicable to the entire site.
- 2 Applicable to dwellings facing the street; apartments must meet these standards for all ground floor units.
- 3 Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path.
- 4 Clustered parking requirements apply for lots with four or more parking spaces.
- 5 Applicable only for additions or new buildings.
- 6 Applicable only for new buildings.
- 7 Applicable to ground floor dwellings with access from the street or shared open space (e.g., a common open space), and access entry door is:
  - (a) Within ten feet of the street-facing property line; or
  - (b) Within the front yard setback; or
  - (c) Within ten feet of a shared open space common tract or easement.
 Apartments must meet these standards for all building façades facing a shared open space.
- 8 See special standards for common courtyards in MDC [18.30.192](#).
- 9 Only applicable to dwellings in residential zones.
- 10 Only applicable if residential portion of mixed-use building/development faces the street.
- 11 All residential development in the C-2 and C-3 zones other than cottage cluster developments must provide 50 square feet per dwelling unit for passive use, such as patios (ground level or rooftop), decks, balconies, etc.

12 Not applicable to residential developments with three or fewer dwelling units on a particular lot.

(c) **Waivers or Modifications.** The Community Development Director may waive or modify any residential design standard if the Community Development Director finds that: (i) the waiver or modification will not harm or will be beneficial to the public in general; and (ii) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of promoting attractive housing stock. The application for a waiver, modification, or deferral must be in writing submitted as part of a development application, shall be subject to applicable fees established by the City Council, and shall require that the application be subject to a Type II procedure if not already subject to a Type II or higher procedure. The application must specify the nature of the requested waiver or modification and how the criteria listed above are met. The Community Development Director may impose any condition of approval necessary to satisfy the purposes of this section, including, without limitation, requiring that the developer exceed one particular standard in lieu of meeting another particular standard.

(4) **Residential Design Standards.** All development subject to subsection (3) of this section shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

(a) **Articulation.** All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows:

(i) For buildings with 30 to 60 feet in length that faces the street, a minimum of one of the following elements shall be provided along the street-facing façades:

- (A) A covered porch at least five feet deep.
- (B) A balcony that is at least two feet deep and is accessible from an interior room.
- (C) A bay window that extends at least two feet wide.
- (D) A section of the façade that is recessed by at least two feet deep and six feet long.
- (E) A gabled dormer.

(ii) For buildings over 60 feet in length that faces a street, at least one element in subsection (4)(a)(i) of this section shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.

(iii) For dwellings with less than 30 feet in length that faces a street, a covered porch at least five feet deep is required.

(b) **Transparency.** At least fifteen percent (15%) of the area of each street-facing façade must be windows or entrance doors.

(i) Windows and/or doors (not including garage doors) utilizing clear glass and entry doors of any material may be used to meet this standard.

(ii) Roof area shall not count toward total street-facing façade area but wall area above wall headers (e.g., gable ends and dormers) shall count.

(iii) Entry doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

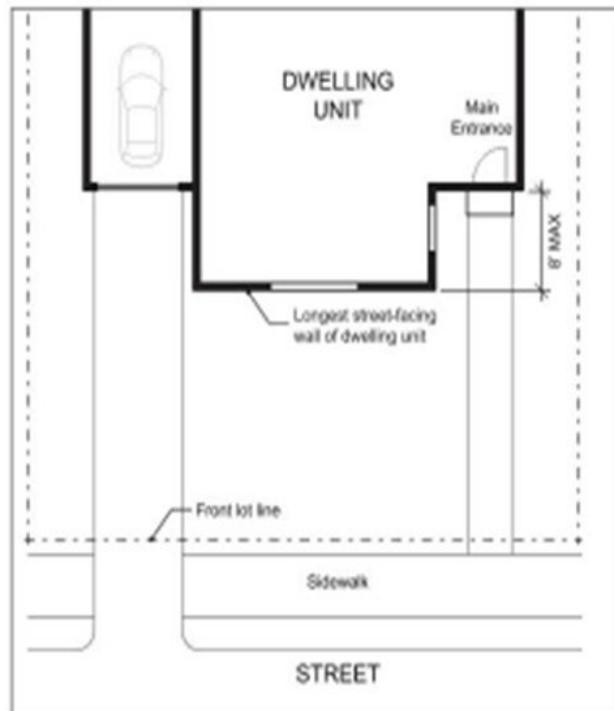
(iv) Half of the total window area in the door(s) of an attached garage counts toward the transparency standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

**Figure 18.30.190(1). Transparency Standard Illustration**

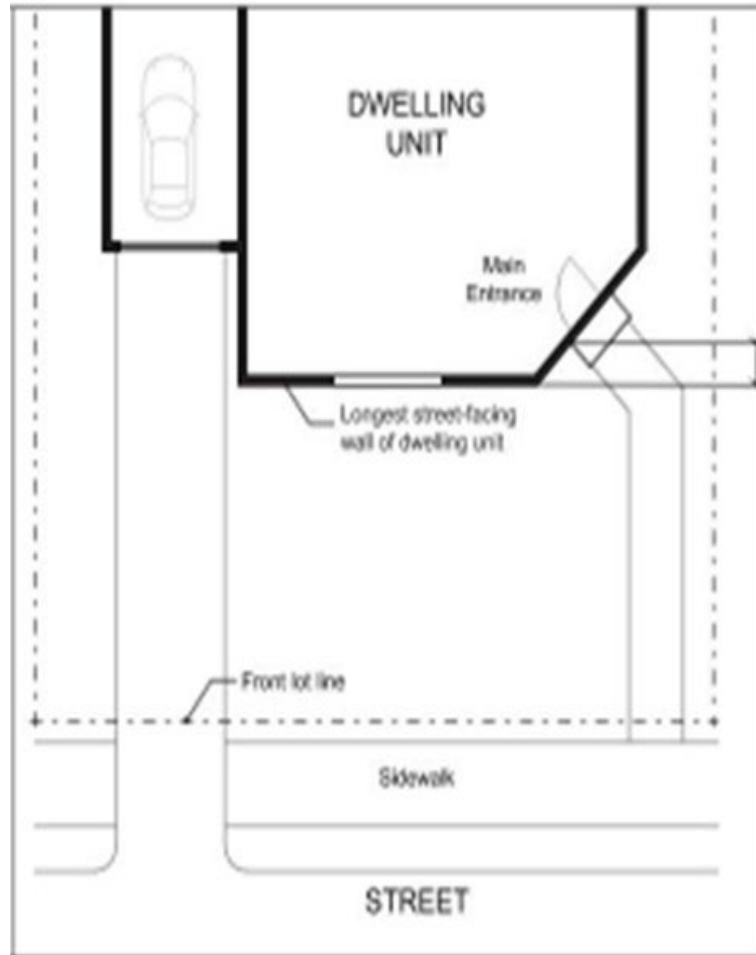


- (c) **Main Entrance.** At least one main entrance must meet both of the following standards:
- (i) Be no further than eight feet behind the longest street-facing wall of the building.
  - (ii) Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch.
- If the entrance opens up onto a porch, the porch must meet all of these additional standards:
- (A) Be at least 25 square feet in area with a minimum four-foot depth.
  - (B) Have at least one porch entry facing the street.
  - (C) Have a roof that is no more than 12 feet above the floor of the porch.
  - (D) Have a roof that covers at least 30% of the porch area.

**Figure 18.30.190(2). Main Entrance Facing the Street**

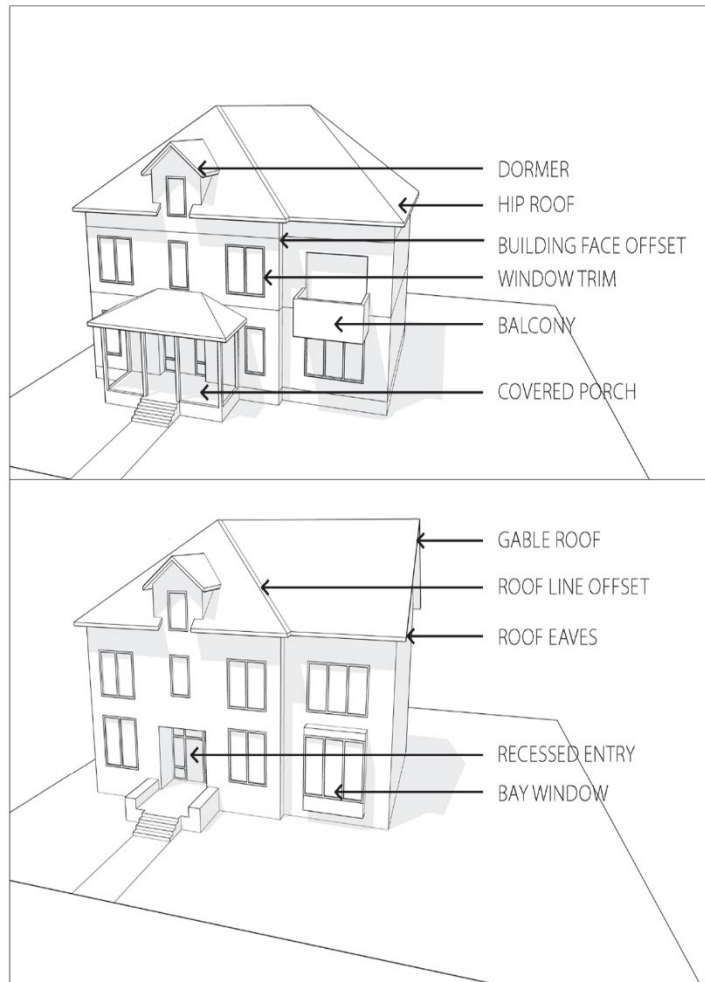


**Figure 18.30.190(3). Main Entrance at 45-Degree Angle From the Street**



**(d) Detailed Design. All buildings containing dwellings shall include at least five of the following features on any street-facing façade. See MDC Figures 18.30.190(4) and 18.30.190(5) for illustration of this standard.**

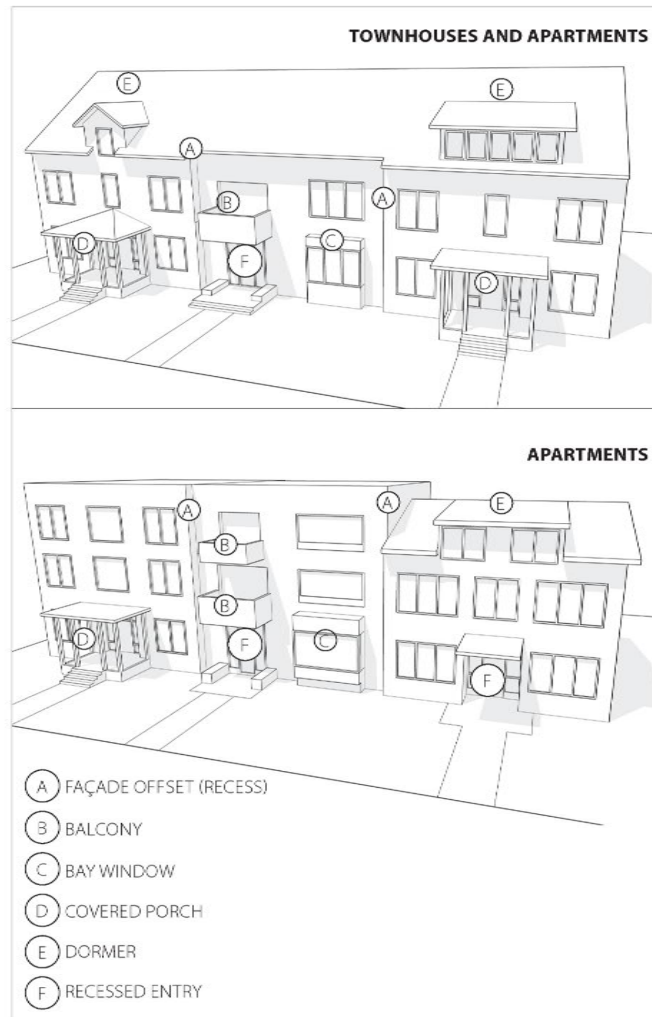
**Figure 18.30.190(4). Detailed Design and Building Articulation, One to Four Units**



- (i) Covered porch at least five feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least five feet wide.
- (ii) Recessed entry area at least two feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.
- (iii) Offset on the building face of at least 16 inches from one exterior wall surface to the other.
- (iv) Dormer that is at least four feet wide and integrated into the roof form.
- (v) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
- (vi) Roof line offsets of at least two feet from the top surface of one roof to the top surface of the other.
- (vii) Tile or wood shingle roofs.
- (viii) Horizontal lap siding between three to seven inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- (ix) Brick, cedar shingles, stucco, or other similar decorative materials covering at least thirty percent (30%) of the street-facing façade.

- (x) Gable roof, hip roof, or gambrel roof design.
- (xi) Window trim around all windows at least three inches wide and five-eighths (5/8) inch deep.
- (xii) Window recesses, in all windows, of at least three inches as measured horizontally from the face of the building façade.
- (xiii) Balcony that is at least three feet deep, five feet wide, and accessible from an interior room. For townhouses, a balcony must be at least two feet deep and four feet wide.
- (xiv) One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- (xv) Bay window at least two feet deep and five feet long. For townhouses, bay windows must be at least two feet deep by four feet wide.
- (xvi) Balconies and bay windows for townhouses may encroach into the required setback area.

Figure 18.30.190(5). Townhouse and Apartment Detailed Design and Building Articulation



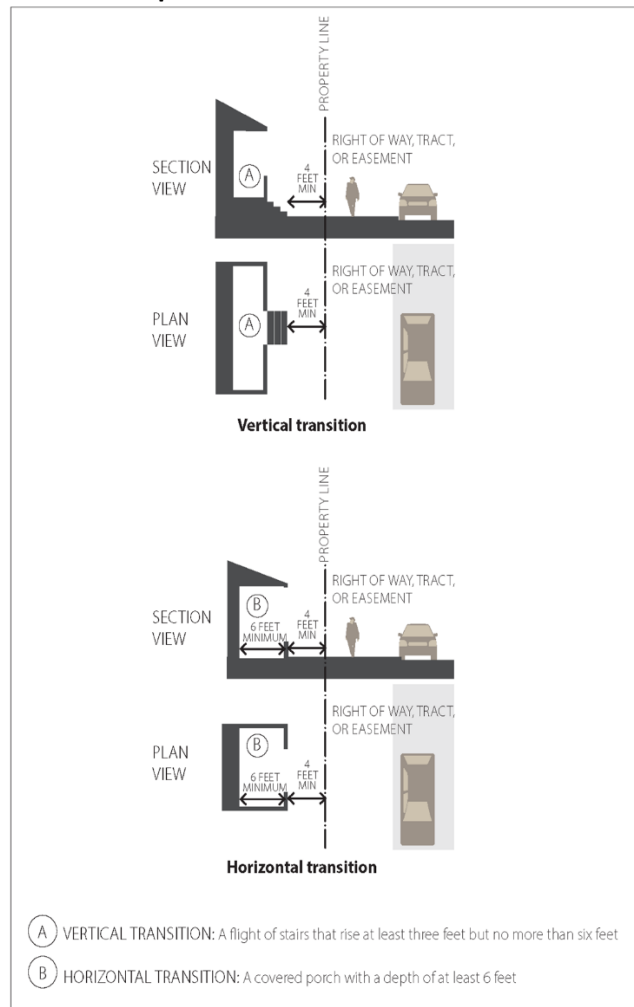


(e) **Transitional Space.** Ground floor dwellings which have their entry access from the street or a shared open space (e.g., a common courtyard) must include an area of transition behind the right-of-way (or tract or easement). The standards below apply when the private dwelling entry access door is within 10 feet of the street-facing property line, within the front yard setback, or within 10 feet of a shared open space common tract. Mixed-use residential buildings are exempt from this standard. The transitional space between the public realm and the entry door may be either vertical or horizontal, as described below. A lobby counts as transitional space.

(i) A vertical transition must be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least three feet, and not more than six feet, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least four feet from the front lot line.

(ii) A horizontal transition shall be a covered porch with a depth of at least six feet. The porch may encroach into the required front yard, but it must be at least four feet from the front lot line.

Figure 18.30.190(6). Transitional Space



**(f) Common Area.**

**(i) Except in C-2 or C-3 zone, townhouse projects with eight units or more (or greater than 1.5 gross acres) and all apartments must provide a common area that allows for passive and active recreation that meets the following standards:**

**(A) The common area must be no less than 200 square feet per dwelling in the development.**

**(B) There must be a lawn area with outdoor seating on the common area that will allow residents and their guests to reasonably gather and recreate. Landscaped portions of the common area may be applied towards satisfaction of the open space requirement for a master planned development.**

**(C) In addition to any other requirement, at least one recreational amenity must be provided for any development with twenty-five (25) or more dwellings, and two recreational amenities will be provided for any development with fifty (50) or more dwellings. Recreational amenities include swimming pools, playgrounds, sport courts, covered seating area, outdoor cooking facilities, and other amenities acceptable to the decision maker. Recreational facilities may be located on common area, but at least fifty percent (50%) of the common area must remain landscaped.**

...

**(g) Pedestrian Circulation.**

**(i) An accessible pedestrian path must be provided that connects the main entrance of each dwelling to the following, as applicable:**

**(A) The common courtyard;**

**(B) Shared parking areas;**

**(C) Community buildings; and**

**(D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.**

**(ii) The pedestrian path must be hard-surfaced, ADA compliant, and a minimum of five feet wide.**

**(h) Off-Street Parking.**

**(i) Development involving dwellings must provide the applicable amount of off-street parking required under MDC [18.25.050](#).**

**(ii) Driveways for any development involving dwellings must be hard surfaced (i.e. asphalt, concrete, pavers, turfstone pavers, or other material acceptable to Community Development Director) and otherwise compliant with design and construction standards.**

**(iii) If a development involving dwellings features four or more parking stalls outside of garages, such external parking stalls shall be arranged in clusters, subject to the following standards:**

**(A) Parking clusters shall not exceed eight contiguous spaces.**

**(B) Parking clusters must be separated from other clusters by at least four feet of landscaping.**

**(C) All parking stalls and vehicle maneuvering areas must be hard surfaced.**

- (iv) Except for driveways (and permitted parking on driveways), off-street parking spaces and vehicle maneuvering areas must not be located:
  - (A) Within 10 feet from any street-facing property line, except alley property lines.
  - (B) Between a street property line and the front façade of any building. This standard does not apply to alleys.
  - (C) Off-street parking spaces must not be located within five feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within five feet of other property lines.

(v) Landscaping, fencing, or walls that are at least three feet tall must separate and screen clustered parking areas and parking structures from common courtyards and public streets.

(i) Privacy and Screening.

- (i) Mechanical, communication equipment, outdoor garbage, and recycling areas must be screened so they are not visible from streets and common open spaces.
- (ii) Utilities such as transformers, heating and cooling, power meters, and other utility equipment must not be located within five feet of a front entrance of a dwelling and must be screened with sight-obscuring materials.
- (iii) All fences must be no more than six feet high. Chain-link fences are prohibited.

(j) Storage.

- (i) All dwellings except for dwellings within mixed-used buildings and apartments must provide a minimum of 24 square feet of storage per each unit. Storage must be individually assigned to each dwelling unit and located in garages, exterior accessible closets or attached storage units, or detached storage units within 200 feet from each unit.
- (ii) Dwellings within mixed-used buildings and apartments may either comply with subsection [\(4\)\(j\)\(i\)](#) of this section, provide 24 square feet of storage within each dwelling unit in closets other than bedroom closets, or some combination of the foregoing two options that amounts to 24 square feet of storage in total.
- (iii) Only storage areas with six feet or more of vertical clearance shall count toward the minimum storage requirements.
- (iv) Only garage space in excess of 150 square feet may be applied towards storage requirements.

(k) Trash Enclosures. Any residential development of three or more dwelling units (including any townhome or cluster development of three or more dwelling units) must provide an enclosure for storage of trash and recycling bins or dumpsters. The trash enclosure may either be at a centralized location or incorporated into the design of each dwelling unit. Trash enclosures must use the same color and materials as the dwelling units on the site. Trash collection bins or carts must be approved by the collection company. The trash enclosures and service areas are subject to the same setback standards from all public or private streets as the dwellings on the site. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 945 § 2 (Exh. B), 2020.]

**FINDING:** Staff finds the development of any permitted residential use on the lots within the proposed subdivision shall comply with the applicable requirements of MMC 18.30.190. The applicable standards in MMC 18.30.190 will be reviewed for consistency prior to the issuance of Zoning Review by the City of Madras.

**CONDITION OF APPROVAL:** Prior to the issuance of Zoning Reviews by the City of Madras, a Zoning Review application containing all necessary shall be submitted to the City of Madras demonstrating compliance with MMC 18.30.190.

## Chapter 18.55

### MASTER PLANNED DEVELOPMENTS

#### 18.55.010 Master planned development approval process.

(1) **General.** The approval and implementation of a master planned development generally consists of three steps, any of which may be pursued concurrently or consecutively. The first step is approval of the master development plan. The second step is the implementation of the master development plan through the land division review process. The third step is site plan or similar development and design review as applicable under MDC [18.40.020](#). The applicability of these steps and the extent of the review will depend on the nature of the master planned development proposed.

(2) **Applicability.** Unless the site is fully site plan approved for a single use, a master development plan is required prior to dividing or otherwise developing any site five acres or greater for nonresidential and mixed-use developments, 10 acres or greater for residential developments, or any development proposing twelve (12) or more townhomes. Notwithstanding the foregoing, larger sites may be divided; provided, that all resulting lots or parcels are at least 10 acres in size or greater and a deed restriction is recorded requiring a master plan prior to further division of the resulting parcels. In addition, a developer may voluntarily seek a master development plan for any property or group of contiguous properties two acres in size or greater or any development containing townhomes.

**FINDING:** The applicant has proposed a residential subdivision (development) and the subject property is less than 10 acres. Therefore, a Master Plan is not required for the proposed development.

## Chapter 18.60

### LAND DIVISIONS, REPLATS, AND PROPERTY LINE ADJUSTMENTS

#### 18.60.020 Applicability.

Units of land shall only be created or reconfigured in conformance with the standards of this chapter and ORS Chapter [92](#). No person may subdivide, partition, or reconfigure land within the City of Madras except in accordance with ORS Chapter [92](#) and the provisions of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.2, 2019.]

**FINDING:** The applicant has proposed a subdivision and therefore the applicable provisions of MMC 18.60 apply to the proposed development.

#### 18.60.030 Delegation.

The City Council, pursuant to ORS 92.044(2), hereby delegates to the Planning Commission the power to take final action on a proposed subdivision and any major replat involving fifty (50) or more lots pursuant to the Type III procedures and to the Community Development Director the power to take final action on any subdivision, partition, major replat, minor replat, or property line adjustment involving fewer than fifty (50) lots pursuant to the Type II procedures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.3, 2019.]

**FINDING:** The applicant has proposed a 10-lot subdivision for which can be approved through the Type II procedures per the above stated standard.

**18.60.050 Pre-application meeting.**

Prior to submitting a tentative plan for a land division, each applicant or their representative is encouraged to meet with the Community Development Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.5, 2019.]

**FINDING:** On September 22, 2022, a Pre-application (Development Team) meeting was held for the proposed development thereby satisfying this standard.

**18.60.060 Application submission.**

Any person, or his authorized agent or representative, proposing a subdivision, partition, or replat shall file an application and the filing fee for the applicable approval, along with a tentative plan, improvement plans, and other supplementary materials as may be required by this chapter or requested by the Subdivision Committee. If any concurrent approvals are sought, the applications for the concurrent approvals will collectively be processed using the highest level procedures for any particular application (i.e., Type II decisions sought concurrently with Type III decisions will be processed as Type III decisions) and shall also include all required information and materials for the applicable concurrent approval. The applicant must either provide electronic copies or submit four paper copies of all application materials to the Community Development Director. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.6, 2019.]

**FINDING:** An authority having individual submitted the appropriate land use application to the authority having jurisdiction (City of Madras) thereby satisfying the above stated standard.

**18.60.070 General approval process for land divisions.**

Land divisions generally follow a two-step approval process. First, a tentative plan is submitted for approval. After receiving tentative plan approval, and after satisfying any conditions of approval from the tentative plan approval, the applicant then files for final plat approval. After receiving final plat approval and satisfying any additional conditions of approval and any requirements of the County, the applicant can then record the plat to perfect the land division. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.7, 2019.]

**FINDING:** MMC 18.60.070 is advisory in nature and is not an approval criterion.

**18.60.080 Informational requirements for tentative plans.**

Unless waived by the Community Development Director, the following information shall be shown on a tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided:

**(1) General Information Required.**

- (a) The proposed name of the subdivision, if applicable.
- (b) Names, addresses, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Secretary of State by the applicant.
- (c) Date of preparation, north point, scale, and gross area of the subject property.
- (d) Appropriate identification of the drawing as a tentative plan for a subdivision, partition, or replat.
- (e) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

(f) Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract that binds the applicant in the event of tentative plan approval.

**(2) Information Concerning Existing Conditions.**

(a) Location, names, and widths of existing improved and unimproved streets and roads within and adjacent to the subject property.

(b) Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.

(c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, any natural features such as rock outcroppings, and natural hazards.

(d) Location and direction of watercourses, and the location of areas subject to flooding.

(e) Location, width, and use or purpose of any existing easement or right-of-way within and adjacent to the subject property.

(f) Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the subject property together with pipe sizes, grades, and locations.

(g) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five percent (5%) to fifteen percent (15%), 10 feet for slopes of fifteen percent (15%) to twenty percent (20%), and 20 feet for slopes greater than twenty percent (20%).

(h) Zoning classification of land within and adjacent to the subject property.

(i) Names and addresses of all adjoining property owners for a distance of 250 feet.

**(3) Information Concerning Proposed Development.**

(a) Location, names, width, typical improvements, cross-sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.

(b) Location, width, and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.

(c) Location of at least one temporary benchmark within the subject property's boundaries.

(d) Location, approximate area, and dimensions of each lot/parcel, and proposed lot/parcel and block numbers.

(e) Location, approximate area, and dimensions of any lot/parcel or area proposed for public use, the use proposed, and plans for improvements or development thereof.

(f) Proposed use, location, approximate area, and dimensions of any lot/parcel intended for nonresidential use.

(g) An outline of the area proposed for partial recording, if contemplated or proposed.

(h) Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.

(i) Description and location of any proposed community facility.

(j) Stormwater and other drainage facility plans.

(k) Proposed deed restrictions, including access restrictions or protective covenants if such are proposed to be utilized for the proposed development.

(l) Statement from each utility company proposed to serve the resulting lots/parcels stating that each company is able and willing to serve the proposed development as set forth in the tentative plan, and the conditions thereof.

(m) Proposed fire protection system for the proposed development and written approval thereof by the appropriate serving fire protection agency.

(n) If grading is proposed, a separate grading and drainage plan prepared by an engineer must be submitted that must show as-developed contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five to fifteen percent (5% to 15%), 10 feet for slopes of fifteen to twenty percent (15% to 20%), and 20 feet for slopes greater than twenty percent (20%).

(o) An addressing plan for the development depicting proposed addresses and driveway locations for each proposed lot or parcel consistent with the requirements of Jefferson County Code Chapter 12.03.

(4) **Scale.** All tentative plans shall be drawn on a sheet at a scale not greater than one inch per 400 feet. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.8, 2019.]

**FINDING:** The materials submitted by the applicant provide the necessary information.

**18.60.090 Block standards.**

To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

(1) New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Transportation System Plan and any applicable special area plan, refinement plan, master plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:

(2) Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets:

- (a) Six hundred sixty foot block length and 2,000-foot block perimeter in all residential zones;
- (b) Four hundred foot block length and 1,500-foot block perimeter in the C-2 Zone;
- (c) Six hundred sixty foot block length and 2,640-foot block perimeter for all other commercial, industrial and mixed-use zones;
- (d) An exception may be granted to the maximum block length and/or block perimeter by the decision maker if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the decision maker may require the land division or property reconfiguration to provide blocks divided by one or more access corridors. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.9, 2019.]

**FINDING:** As shown on Sheet C1.0, the subject property is 3.5 acres. There is one proposed street: NE Stone Oak Court. The proposed street does not create a block. Therefore, the above stated standards do not apply.



**18.60.100 Lot standards.**

The size, width, and orientation of lots/parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the governing zoning district, subject to the following:

**(1) Lot Sizes. Portions of a lot with slopes in excess of twenty percent (20%) will not be counted for purposes of meeting minimum lot sizes.**

**FINDING:** The materials submitted by the applicant do identify lot containing significant topography to be oversized in order to minimize impacts to the slopes with building pads. Therefore, all lots will need to meet the minimum lot size requirement of 7,500 sq.ft. for new lots in the R-1 zone.

**(2) Frontage. Each lot shall satisfy applicable frontage requirements established by MDC [18.20.040](#).**

**FINDING:** The findings of compliance with MMC 18.20.040 are incorporated hereinto by reference to demonstrate compliance with this standard.

**(3) All side lot lines shall be at right angles to street lines or radial to curved streets. The decision maker may grant an exception where topography, watercourses, existing streets, infrastructure, and other development preclude such lot lines.**

**FINDING:** As shown on Sheet C-3.0 submitted by the applicant, all side lot lines intersect the right-of-way at or near a right angle.

**(4) Through Lots. Lots that span an entire block should be avoided except where they are essential to provide separation of residential development from major streets or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. The decision maker may require landscaping buffers or access restrictions as a condition of approval for any through lot.**

**FINDING:** As shown on Sheet C-4.0, the proposed subdivision does not include through lots and therefore the above stated standard does not apply.

**(5) Solar Access. The lines of lots and parcels must be oriented such that the long axis is in the east-west direction. The decision maker may grant a waiver, where topography, natural features, existing development or other barriers inhibit required orientation. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.10, 2019.]**

**FINDING:** As shown on Sheet C-4.0, the proposed lots (with the exception of Lots 1 and 5) have the long axis in the east-west direction. Lot 1 is oversized due to the topography on the south side of the lot and the future building will be situation closest to the northern property line. Lot 5 is a flag lot and would otherwise be oriented in the east-west direction. Staff finds the proposed lot orientation to satisfy the standard.

**18.60.130 Approval process for tentative plan for partition or minor replat.**

**(1) The Community Development Director shall process the application under a Type II process and shall review all reports and recommendations of appropriate officials and agencies.**

**(2) The Community Development Director may approve, modify, or deny the tentative plan for the proposed development and shall set forth findings for such decision.**

**(3) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed partition or minor replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed partition or minor replat and the terms of this chapter. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.13, 2019.]**

**FINDING:** Per MMC 18.60.030, the proposed tentative plan will be reviewed using the Type II procedures which is directly consistent with the above stated standards.

**18.60.140 Approval criteria for a tentative plan.**

**The Planning Commission shall not approve a tentative plan for a proposed subdivision or major replat, and the Community Development Director shall not approve a tentative plan for a proposed partition or minor replat, unless the applicable review body finds that the proposal satisfies the requirements of the Development Code, the design and construction standards and the following:**

**(1) For development other than needed housing, the proposed development contributes to orderly development and land use patterns in the area and provides for the preservation of natural features and resources of the area.**

**FINDING:** The applicant has proposed a 10-lot residential subdivision. Per the City's Comprehensive Plan and Urbanization Report, all housing is considered to be Needed Housing per ORS 197.303. Therefore the above stated standard does not apply.

**(2) All required public facilities have adequate capacity, as determined by the City, to serve the proposed land division including, without limitation, the transportation, sewer, stormwater, and water systems.**

**FINDING:** Based on the Public Works Director's Memorandum dated February 1, 2023 for the proposed development, there is adequate capacity to serve the proposed 10-lot subdivision.

**(3) The tentative plan for the proposed development meets the applicable requirements of ORS [92.090](#).**

**FINDING:** The material submitted by the applicant appears to comply with the requirements of ORS 92.090. However, it shall be the responsibility of the applicant to ensure that the proposed subdivision plat satisfies the applicable requirements of ORS 92.090 for which shall be a condition of final plat approval.

**CONDITION OF APPROVAL:** The applicant shall prepare subdivision plat that complies with ORS 92.090.

**(4) The tentative plan meets the applicable provisions of this chapter.**

**FINDING:** The findings of compliance with MMC 18.60 are herein by reference incorporated to demonstrate compliance with this standard.

**(5) The tentative plan satisfies the Public Improvement Standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.14, 2019.]**

**FINDING:** The materials submitted do not completely satisfy the requirements of the City's Public Improvement Design and Construction Standards. Therefore, it shall be a condition of approval that the applicant satisfy all applicable standards in the City's Public Improvement and Design Standards.

**18.60.150 Submission of final plat.**

**(1) Filing Time Period Requirements.** The applicant shall prepare and submit to the Community Development Department a final plat that is in conformance with the approved tentative plan. Within three years after the approval date for the tentative plan, the applicant shall submit the final plat, filing fee, and any supplementary information required by this Development Code and the decision maker. If the applicant fails to proceed with the submission of the final plat before the expiration of the three-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.

**FINDING:** The above standard applies to the proposed tentative plan. The applicant shall the final plat for the proposed development in a manner consistent with MMC 18.60.150.

**(2) Extensions.**

**(a) If the applicant is unable to comply with the filing time requirements of the Development Code, the applicant may submit a written letter to the Community Development Director requesting an extension of the final plat deadline. The letter shall be filed no earlier than sixty (60) days and no later than ten (10) days prior to the date the three-year period expires. It shall also be accompanied by the appropriate fee.**

**(b) If there is good cause, the Community Development Director may grant an extension up to six months from the date of expiration. Good cause shall require a showing by the applicant that the delay is unavoidable and was not the result of the applicant's own negligence. The applicant must also show they have made significant progress on each condition of the tentative plan.**

**(c) Any extension granted by the Community Development Director may be conditioned by a requirement that the applicant provide appropriate guarantees that the requirements of the Development Code will be met.**

**(d) The applicant may appeal a decision of the Community Development Director to the Planning Commission pursuant to MDC [18.80.240](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.15, 2019.]**

**FINDING:** The above stated standards are not approval criteria rather are informational in nature regarding an event where the applicant cannot record the subdivision plat in a timely manner.

**18.60.160 Submission of final plats for phased development.**

**(1) If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within one year of the approval date for the tentative plan.**

(2) The final plats for any subsequent phase shall be filed within three years of the approved date for the tentative plan.

(3) The applicant may request an extension for any final plat under this section in the manner provided for in MDC [18.80.280](#).

(4) If the applicant fails to file a final plat within the specified time period, the tentative plan approval for those phases shall become null and void. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.16, 2019.]

**FINDING:** The above stated standards are not approval criteria rather are informational in nature.

**18.60.170 Form of final plat.**

(1) The final plat shall be submitted in the form prescribed by state statute and this Development Code.

(2) All plats and other writings or dedications made a part of such plats offered for recording, shall be made in black India ink, upon material that is 18 inches by 24 inches, suitable for binding and copying, having such characteristics of strength and permanency as may be required by the City. The plat shall be of such a scale, and the indication of the approvals thereof and of the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but a fact sheet and an index page shall be included for plats of two or more sheets. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.17, 2019.]

**18.60.180 Information on final plat.**

(1) General Requirements. In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the final plat:

- (a) The name of the subdivision, partition, or replat.
- (b) The name of the owner, applicant, and engineer or surveyor.
- (c) The date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.
- (d) A legal description of the tract boundaries.
- (e) Reference points of existing surveys, identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - (i) Stakes, monuments, or other evidences found on the ground and used to determine the boundaries of the development.
  - (ii) Adjoining corners of adjoining developments.
  - (iii) Other monuments found or established in making the survey or required to be installed by provisions of this Development Code.
- (f) The exact location and width of streets and easements intercepting the boundary of the tract.
- (g) Tract, block, and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearing or deflecting angles, radii, arcs, points of curvature, and tangent bearings. Normal high-water lines for any creek, bay, or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(2) **Streets.** The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

(3) **Easements.** Easements shall be noted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not on record, a statement of the easement shall be given. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the development shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(4) **Lot Numbers.** Lot numbers beginning with the number "1" and numbered consecutively in each block.

(5) **Block Numbers.** For subdivisions and major replats, block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the development. The numbers shall be placed so as not to obliterate any figures. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(6) **Public Lands.** Public lands, including strips and easements, shall be clearly marked to distinguish them from lots intended for sale.

(7) **Access Restrictions.** Limitations on rights of access to and from streets, lots/parcels, and other parcels of land shall be clearly indicated.

(8) **Area.** The area of each lot/parcel, if larger than one acre, to the nearest hundredth (1/100 or 0.01) of an acre; and the area of each lot/parcel less than one acre, to the nearest square foot.

(9) **Certificates and Signatures.** The following certificates and signatures are required and shall be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the final plat.

(b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants, and servants.

(c) A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

(d) A certificate for execution by the County Surveyor. Any plat prepared by the County Surveyor in his private capacity shall be approved by the county surveyor of another county in accordance with ORS [92.100\(2\)](#) and [\(3\)](#).

(e) A certificate for execution by the County Assessor.

(f) A certificate for execution by the County Tax Collector.

(g) A certificate for execution by the irrigation district, where applicable. All plans, plats, or replats of subdivisions or partitions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be indicated thereon by the board before City approval of such plan, plat, or replat of any subdivision or partition. Except that if the applicant is unable to obtain action or approval of any

district or company within forty-five (45) days, the applicant shall notify the manager or administrator in writing and thereafter the City shall serve notice on that district or company that any objections to the plan, plat, or replat must be filed in writing with the City within twenty (20) days. Failure of the district or company to respond shall be considered an approval of such plan, plat, or replat.

(h) The signature of the Public Works Director.

(i) The signature of the Community Development Director.

(j) A signature of approval by the City Council.

(k) Other certificates required by state regulations. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.18, 2019.]

**FINDING:** The applicant shall submit plat(s) in a manner consistent with MMC 18.60.170 and MMC 18.60.180

**18.60.190 Requirements of survey and monumentation.**

Any final plat submitted shall meet the survey and monumentation requirements of ORS Chapter [92](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.19, 2019.]

**18.60.200 Supplemental information with final plat.**

The following data, if applicable, shall accompany the final plat:

(1) Title Report. A preliminary title report or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.

(2) Survey Data Sheets. Sheets and drawings shall contain the following information:

(a) Traverse data including the coordinates of the boundary of the development and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

(b) The computation of distances, angles, and courses shown on the plat.

(c) Ties to existing monuments, proposed monuments, adjacent developments, street corners, and state highway stationing.

(3) Deed Restrictions. A copy of any deed restrictions applicable to the development.

(4) Homeowner's Association. If applicable, a copy of any homeowner's association agreement proposed or required for the development.

(5) Dedications. A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.

(6) Taxes. A list of all taxes and assessments on the tract which have become a lien on the land subdivided.

(7) Improvements. If grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:

(a) An improvement plan in accordance with MDC [18.20.100\(3\)](#).

(b) Plans and profiles of sanitary sewers, location of manholes, and drainage system.

- (c) Plans and profiles of the water distribution system showing pipe sizes and location of valves and fire hydrants.
- (d) Specifications for the construction of all utilities.
- (e) Grading plans and specifications as required for areas other than streets and ways.
- (f) Planting plans and specifications for street trees and other plantings in public areas.
- (g) Plans for improvements, design factors, or other provisions for fire protection or fire hazard reduction. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.20, 2019.]

**18.60.210 Technical review of final plat.**

**(1) Compliance Check.** Upon receipt by the Community Development Department, the final plat and other data shall be reviewed by the Subdivision Committee or Community Development Director, as applicable, to determine that the development, as shown, is substantially the same as it appeared on the approved tentative plan, and for compliance with provisions of this Development Code and other applicable laws.

**(2) Field Check.** The Public Works Director, the Community Development Director, and the County Surveyor, may make such checks in the field as are desirable to verify that the plat is sufficiently correct. The applicant shall grant permission to the Public Works Director, Community Development Director, or County Surveyor to enter the property for this purpose. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.21, 2019.]

**FINDING:** The applicant shall submit plat(s) in a manner consistent with MMC 18.60.190 through MMC 18.60.210.

**18.60.220 Conditions of final plat approval.**

**(1) The Subdivision Committee or Community Development Director, as applicable, shall determine whether the final plat conforms with the approved tentative plan and these regulations. If the applicable review body does not approve the final plat, it shall advise the applicant of the changes or additions that must be made and shall afford them an opportunity to make corrections. If the applicable review body determines that the plat conforms to all requirements, it shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval of the final plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat, nor does such approval bind any other jurisdiction with review authority over the plat.**

**(2) No final plat shall be approved unless:**

- (a) Streets and roads for public use are to be dedicated without any reservation or restriction.
- (b) Streets and roads held for private use as indicated on the tentative plan for such development have been approved by the City Public Works Director.
- (c) The plat or map contains provisions for dedication to the public of all public improvements, including, but not limited to, streets, roads, parks, and sewage disposal and water supply systems, if made a condition of the approval of the tentative plan.
- (d) Explanations of all public improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat or map.

**(3) No plat shall be approved unless the developer has either constructed, and had accepted by the City Public Works Director, the required public improvements, or the developer has executed an improvement agreement acceptable to the City. If the developer chooses to construct the**



improvements, the developer shall all also file with the City a warranty bond executed by a surety company to cover the one-year warranty period following acceptance by the City. Said bond shall be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.22, 2019.]

**18.60.230 Final signatures.**

After the final plat has been checked and approved as provided in this chapter, and all signatures have been obtained, except for those of the Community Development Director and any signatures required from County officials, the Community Development Director shall certify the final plat and submit it to the County for final signatures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.23, 2019.]

**FINDING:** The City will not sign the subdivision plat(s) unless the requirements of MMC 18.60.220 and MMC 18.60.230.

**18.60.240 Recording of final plat.**

(1) No plat shall have any force or effect until the same has been duly executed and recorded. No title to any property described in any offer of dedication shall pass until the final plat has been recorded.

(2) No plat shall be recorded unless all ad valorem taxes and all special assessment fees or other charges required by law to be placed upon the tax roll, which have become a lien upon the development or which will become a lien during the calendar year, have been paid.

(3) The applicant shall provide exact copies of the recorded plat to the Community Development Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.24, 2019.]

**18.60.250 Errors in the final plat.**

If an error in the final plat is discovered after the plat has been filed with the County Clerk, the error shall be corrected by filing a correction plat, which shall be submitted in the same manner as a final plat. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.25, 2019.]

**FINDING:** The City will not sign the subdivision plat(s) unless the requirements of MMC 18.60.240 through MMC 18.60.250.

**18.60.270 Flag lots.**

(1) **Eligibility for Flag Lots.** Flag lots may only be created if the Public Works Director determines that it is impractical to extend a street (including, without limitation, a cul-de-sac) to the flag portion of a proposed flag lot development.

(2) **Development Standards.** In addition to meeting all other applicable criteria, flag lots must comply with the following standards:

(a) The minimum lot frontage and minimum width for the pole of a flag lot is 15 feet. The minimum frontage and minimum width for the front lot is the otherwise applicable minimum less 10 feet. Any pole exceeding 150 feet will have to meet all applicable fire code requirements.

(b) When a shared driveway serves two or more properties, the shared driveway width must be a minimum of 20 feet. A shared driveway must be employed if the parent parcel has less than 100 feet of street frontage (or less than 80 feet of frontage if on a cul-de-sac) or for any proposed flag lot on a collector or arterial. The maximum number of properties utilizing a shared driveway is

four. Any shared driveway must have a reciprocal access and maintenance easement acceptable to City recorded for all properties utilizing the shared driveway prior to or current with platting.

(c) Except for the minimum requirements for the pole stated above, minimum lot widths and depths, if any, are measured on the flag portion of a flag lot.

(d) The flag portion of a flag lot must meet the applicable minimum lot sizes without considering the area of the pole portion of the flag lot.

(e) The front setback does not apply to the flag portion of the flag lot. The lot lines in the flag portion of a flag lot are side lot lines except for the rear lot line, which is a rear lot line.

(f) Except as otherwise provided in this subsection, the front lot must meet all applicable requirements for creation of a lot in the applicable zone.

(g) Flag lots and front lots are not eligible for any variances from dimensional requirements.

**FINDING:** Per Sheet C-4.0 submitted by the applicant, the proposal does include two flag lots (Lots 5 and 8) therefore the related standards does apply. Both lots have a “pole” width of greater than 15 feet. These lots exceed the minimum lot size without including the pole portion of the lot and meet all other dimensional criteria. The building setback lines are shown from the primary lot lines and not the pole portion of the lot, in conformance with these standards.

## Chapter 18.80 ADMINISTRATIVE PROVISIONS

### 18.80.010 Pre-application conference.

Unless the application is filed by the City, a pre-application conference is required for all Type III and Type IV applicants. Pre-application conferences are also highly recommended for complex applications and for applicants who are unfamiliar with the land use process. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Development Code and to identify issues likely to arise in processing an application. [Ord. 933 § 16.1, 2019.]

**FINDING:** On September 22, 2022, the applicant attended a City of Madras Development Team meeting.

### 18.80.020 Applications.

No land use approval or planning review shall be processed unless the applicant submits a complete application.

(1) All applications shall:

(a) Be submitted by the property owner or a person who has written authorization from the property owner to make the application;

(b) Be completed on the applicable form prescribed by the City;

(c) Include supporting information required by this Development Code and any other information necessary to, in the judgment of the Community Development Director, demonstrate compliance with applicable standards;

(d) Be accompanied by the appropriate application fee, and any applicable public hearing fee, established by the City from time to time; and

(e) Provide proof of ownership in the form of a deed or other recorded document; except this requirement shall not apply to:

(i) Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or

(ii) Applications for development proposals sited on lands owned by the state or the federal government.

**(2) For purposes of this Development Code, a complete application refers to an application submitted in conformance with this section and any other requirements of the particular application set forth in this Development Code. An application is not complete unless, in the judgment of the Community Development Director, the application contains sufficient information to address all applicable standards. Acceptance of an application as complete shall not preclude a determination at a later date that additional applicable standards need to be addressed or a later determination that additional information is needed to adequately address applicable standards. [Ord. 933 § 16.2, 2019.]**

**FINDING:** The applicant submitted all of the information stated above.

**18.80.050 Burden of proof.**

**The burden of proof to demonstrate compliance with the applicable standards is upon the applicant for all land use approvals and planning reviews. [Ord. 933 § 16.5, 2019.]**

**18.80.060 Applicable standards.**

**The standards and criteria applicable to an application shall be the standards and criteria applicable at the time the application was first submitted. [Ord. 933 § 16.6, 2019.]**

**FINDING:** The applicant submitted a burden proof statement based on what they believed to be the approval criteria.

**18.80.070 Final action.**

**The City shall take final action on all applications in accordance with the time limitations set forth in ORS [227.178](#) as the same may be amended from time to time. [Ord. 933 § 16.7, 2019.]**

**FINDING:** The applicant submitted the application on January 20, 2023, and the City deemed the application on complete on January 30, 2023. As identified on page 1 of this land use decision has been rendered in accordance with ORD 227.178.

**18.80.090 Classification of decisions.**

**All land use approvals and planning reviews shall be processed based on the decision classification hierarchy set forth below. Except where the classification is expressly prescribed in this Development Code, the Community Development Director shall have discretion as to how a particular application, request, or review shall be classified and which review procedures will be used, which shall not be an appealable decision.**

**(2) Type II Decisions.**

**(a) Type II decisions are made by the Community Development Director following public notice and an opportunity for parties to comment, but without a public hearing.**

**(b) Applications for a partition, site plan approval, minor variance, and such other applications as prescribed by this Development Code shall be processed as Type II decisions.**

**(c) The Community Development Director has discretion to elevate an application for a Type II decision to a Type III decision.**

**(d) If appealed, Type II decisions are reviewed by the Planning Commission and the Planning Commission's decision may be appealed to the City Council subject to the City Council's discretion to hear the appeal.**

**18.80.110 Notice of application.**

**(1) No notice is required for the receipt of an application for a Type I decision.**

**(2) Notice of an application for a Type II decision shall be mailed within ten (10) days after City's acceptance of a complete application. Written notice shall also be mailed to the following persons:**

**(a) The applicant.**

**(b) Unless specified elsewhere in this Development Code, to all owners of property within a distance of 250 feet of the subject property at the owner's address of record with the Jefferson County Tax Assessor.**

**(c) Affected public agencies, including the following:**

**(i) Division of State Lands. The City shall notify the Oregon Division of State Lands (DSL) of any application that involves lands that are wholly or partially within areas that are identified as wetlands. Notice shall be in writing using the DSL Wetland Land Use Notification form and shall be sent within five working days of acceptance of a complete application ([ORS 227.350](#)).**

**(ii) Department of Fish and Wildlife. The City shall notify the Oregon Department of Fish and Wildlife (ODFW) in writing of any application for development activities within the riparian corridor. A mitigation recommendation shall be obtained from ODFW. Approval of the proposed development shall include a condition requiring compliance with the ODFW mitigation recommendations ([OAR 635-415](#)).**

**(iii) Other Agencies. The City shall notify other public agencies, as appropriate, that have statutory or administrative rule authority to review or issue state permits associated with local development applications.**

**18.80.120 Contents of public notice.**

**(1) All required public notices shall provide a brief description of the applicant's request, a list of applicable standards, the location of the property, the date, time, and place of the public hearing (if applicable), and instructions on obtaining copies of the application and providing written comment.**

**(2) All notices for public hearings shall also contain a statement that recipients may request a copy of the staff report.**

**FINDING:** Per MMC 18.60.030, this land use decision has been processed in accordance with the Type II procedures. The City sent notice to the Development Team (agencies) and to the adjacent property owners within 250 ft. on January 30, 2023.

**18.80.200 Notice of decision.**

**The final decision of the decision maker shall be in writing, signed, and mailed to all parties; provided, however, only the point of contact provided to the City will be delivered notice for any group, entity, or similar collection of individuals constituting a party.**

**FINDING:** Notice of this land use decision was issued in a manner consistent with the above stated standard.

**18.80.230 Appeals.**

**(1) A decision shall be final unless a complete notice of appeal, compliant with MDC [18.80.240](#), is received by the Community Development Department within fifteen (15) days of the mailing date of the final written decision and provided the challenged decision is subject to appeal.**

- (2) Who may file an appeal:
  - (a) A party to the application.
  - (b) A person to whom notice was to be mailed in accordance with MDC [18.80.110](#), and to whom no notice was mailed.
  - (c) The Planning Commission; provided, however, any appeal by the Planning Commission shall go directly to the City Council. No fee shall be required for an appeal filed by the Planning Commission.
- (3) If more than one party files a notice of appeal on the same decision, the appeals shall be consolidated, noticed, and heard as one proceeding.
- (4) An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision on the appeal. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received. An appeal may be withdrawn under this section regardless of whether other nonfiling parties have relied upon the appeal filed by the appellant.
- (5) Any failure to conform to the requirements of MDC [18.80.240](#) and MDC [18.80.250](#) shall constitute a jurisdictional defect requiring dismissal of the appeal as untimely and/or unperfected.
- (6) Determination of jurisdictional defects in an appeal shall be made by the body to whom an appeal has been made.

**FINDING:** Any appeal filed as a result of the land use decision shall be filed in a manner consistent with MMC 18.80. 230.

**18.80.270 Duration of approval.**

Except as provided elsewhere in this Development Code, all land use approvals and planning reviews shall be valid for a period of one year from the date of approval, unless a shorter or longer duration is granted or required as part of the approval. The date of the approval is the date that the land use approval becomes final for all purposes (no longer subject to appeal or further appeals) or, for planning reviews, the date the planning review approval is issued. [Ord. 933 § 16.27, 2019.]

**18.80.280 Extension.**

- (1) Except as provided elsewhere in this Development Code, any land use approval or planning review may be extended, prior to expiration, by the Community Development Director for periods of six months, but in no event by more than two years. Such extensions shall be administrative, without notice, and in writing.
- (2) No land use approval may be extended unless significant progress occurred during the duration of the approval or prior extension, or circumstances occurred which were out of the applicant's control. If the land use approval is subject to conditions of approval, significant progress means that some action must have commenced or occurred towards satisfaction of the conditions of approval. [Ord. 933 § 16.28, 2019.]

**FINDING:** The land use decision shall be valid in accordance with MMC 18.80.270 and as modified by MMC 18.60.150 and MMC 18.60.160.

**DECISION:**

Based on the submitted plans and application materials, and the findings in this decision, the applicable approval criteria for a Land Division application are met and the tentative plan is approved subject to

the conditions of approval listed below. Where specific improvements are proposed and approved as submitted, the construction of those improvements may not be listed as a specific condition of approval. Any substantial alteration of the approved plans, other than revisions required to comply with the conditions of approval, may require a new application.

**CONDITIONS OF APPROVAL:**

**General:**

1. The developer of each lot shall install street trees in the landscaping strip in NE Stone Oak Street adjacent to each lot at the time of development in a manner consistent with the City's Public Improvement Design and Construction Standards and MMC 18.20.060.
2. The applicant shall submit construction plans to the Public Works Department for review and approval that includes the installation of streetlights in a manner consistent with the City's Public Improvement Design and Construction Standards.
3. The applicant is to submit construction plans to the Public Works Department for review and approval that includes stormwater management in a manner consistent with the City's Public Improvement Design and Construction Standards.
4. Prior to construction, the applicant shall submit public improvement plans for NE Stone Oak Street improvements in accordance with the City's Public Improvement Design and Construction Standards that are prepared and stamped by a licensed engineer. Said improvements shall be constructed and inspected in accordance with the City's Public Improvement Design and Construction Standards.
5. The applicant shall submit all applicable information with each Zoning Review for the development of each lot that demonstrates compliance with MDC 18.25.160.
6. The applicant shall comply with the requirements of MMC 18.20.100 and MMC 18.20.110.
7. Prior to the issuance of Zoning Reviews by the City of Madras, a Zoning Review application containing all necessary shall be submitted to the City of Madras demonstrating compliance with MMC 18.30.190.
8. The applicant shall prepare subdivision plat that complies with ORS 92.090.

**Prior to Final Plat Approval:**

1. Prior to final plat, that applicant shall submit all necessary plans to the Jefferson County Fire & EMS District in accordance with the applicable standards administered by the District.
2. The applicant shall construct all public infrastructure improvements in accordance with the Public Works Director's Memorandum dated February 1, 2023, and the City's Public Improvement Design and Construction Standards prior to final plat.
3. The applicant shall pay a fee of \$12,048 to the City in lieu of the dedication of private property in the amount of 8% of the subject property's the real market value (RMV) based the 2023 Jefferson County Assessor's tax assessment for the property. This fee shall be paid by the developer to the City of Madras prior to platting the first phase of the subdivision.

**DURATION OF APPROVAL:**

The land use decision shall be valid in accordance with MMC 18.80.270 and as modified by MMC 18.60.150 and MMC 18.60.160. This land use decision is subject to appeal. All appeals shall be submitted in accordance with MMC 18.80.230.

*Fatima Taha*

3/29/2023

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**Fatima Taha**  
**Associate Planner**

---

**Date**

*Fatima Taha*

3/29/2023

---

**Mailed by**  
**Fatima Taha**  
**Associate Planner**

---

**Date**

cc: Development Team, Parties of the Record, File SD-23-1.





# CITY OF MADRAS SUBDIVISION APPLICATION

125 SW E Street Madras Oregon 97741 541-475-3388 Fax 541-475-3959

OFFICE USE ONLY	
FILE # _____	FEE \$ _____
ZONING DISTRICT _____	
RECEIPT # _____	
DATE RECEIVED _____	

Name of Subdivision Stone Oak  
File Number \_\_\_\_\_ Number of Lots Created 10

## APPLICANT AND PROPERTY OWNER INFORMATION

I have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct. I authorize the City of Madras staff, Hearing's Officers and Planning Commissioners to enter property for inspection of the site in conjunction with this land use application

Applicant Momentasize, LLC (Dirk van der Velde) Phone 541-480-0706 Fax \_\_\_\_\_  
Address 16330 Skyline Ranch Road City Bend State OR Zip Code 97703  
Signature \_\_\_\_\_ Email dirk@momentasize.com

Momentasize LLC, VDV Properties  
Property Owner & Ann Marie van der Velde Phone 541-480-0706 Fax \_\_\_\_\_  
Address 16330 Skyline Ranch Road City Bend State OR Zip Code 97703  
Signature \_\_\_\_\_ Email dirk@momentasize.com

Business Name \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## PROPERTY DESCRIPTION

Property Location (Address, intersection of cross street; general area)  
North side of NE Oak Street, between NE 12th Street and NE Hillcrest Street.

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot 111301CA02203  
Present Zoning R-1 Total Land Area \_\_\_\_\_ Square Ft.) 3.5 (Acres)  
Present Land Use Vacant Lot

## PROFESSIONAL SERVICES

Surveyor/Engineer BECON Engineering Phone 541-633-3140 Fax \_\_\_\_\_  
Address 549 SW Mill View Way City Bend State OR Zip Code 97702  
Email apust@beconeng.com

Realtor or Agent N/A Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Email \_\_\_\_\_

## **SUBMITTAL REQUIREMENTS**

The following information and material must be submitted by the applicant. *Please note: additional information may be required by the City.*

- ✓ Application. The application must be signed by the owner(s) and shall include the information requested on this form. If the owner does not sign this application, then a letter of authorization must be signed by the owner for the agent.
- ✓ Tentative Plan. Four full size copies of the tentative plan, one 11x17 copy and a pdf of all submitted documents, plans etc.
- ✓ Title report or subdivision guarantee, including legal description of property.
- ✓ Fee (as shown on page one of this application).
- ✓ Burden of proof statement addressing approval criteria in MDC Section 8.11(3.10)
- ✓ Vicinity map.
- ✓ Supplemental information: All agreements with local governments that affect the land and proposed use of property.

**N/A** Traffic impact study (may be required by the City Public Works Director or Planning Director)

- ✓ Names, address, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commission by the applicant.
- ✓ Date of preparation, north point, scale and gross area of the proposed subdivision.
- ✓ Appropriate identification of the drawing as a tentative plan for a subdivision. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
- ✓ Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.
- ✓ Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
- ✓ Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.
- ✓ Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads and any natural features such as rock outcroppings, and natural hazards.

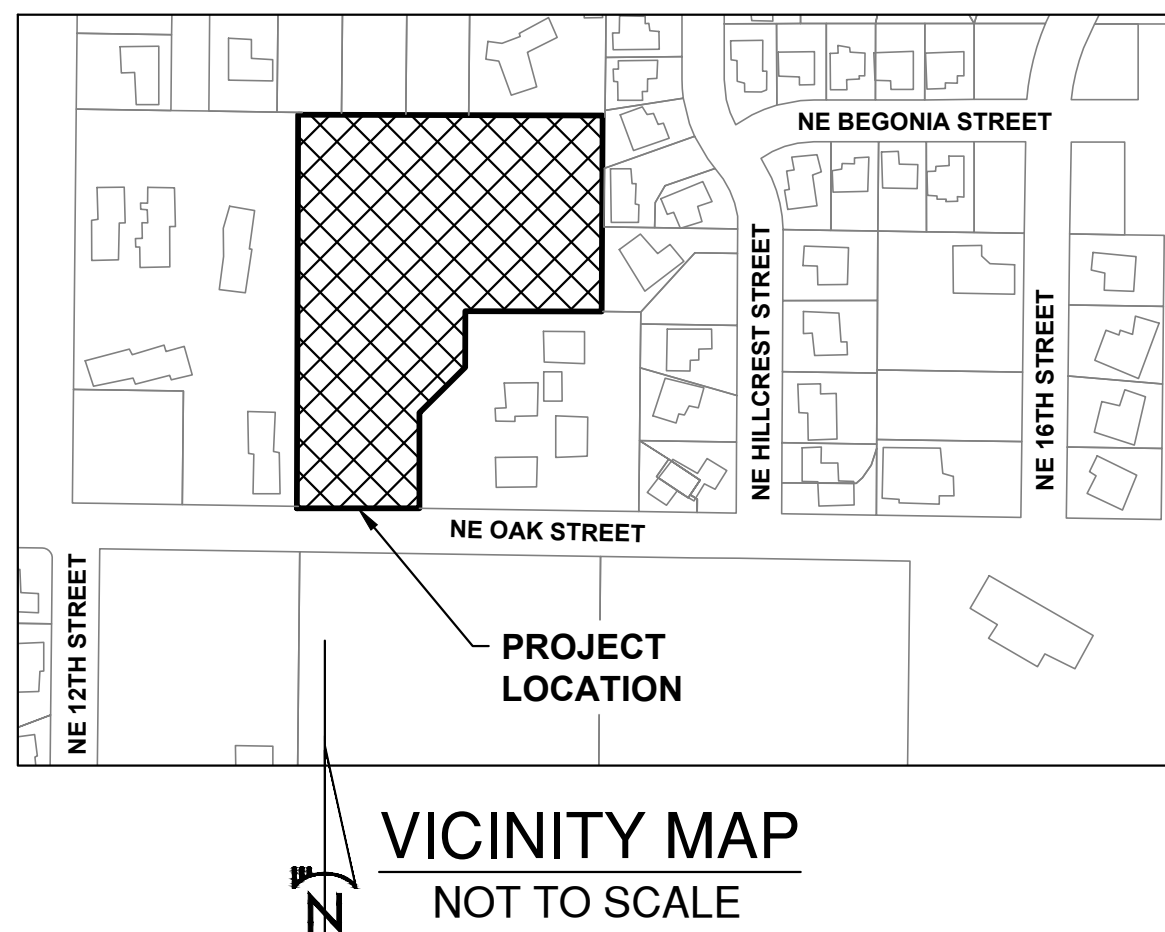
**N/A** Location and direction of water courses, and the location of areas subject to flooding.

- ✓ Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.
- ✓ Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations.
- ✓ Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen to twenty percent, and twenty feet for slopes greater than twenty percent.
- ✓ Zoning classification of land within and adjacent to the proposed subdivision.
- ✓ Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.
- ✓ Location of at least one temporary bench mark within the proposed subdivision boundary.
- ✓ Location, approximate area and dimensions of each lot, and proposed lot and block numbers.
- ✓ Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed, and plans for improvements or development thereof.

N/A Proposed use, location, approximate area and dimensions of any lot intended for non-residential use.

N/A An outline of the area proposed for partial recording, if contemplated or proposed.

- ✓ Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.
- ✓ Description and location of any proposed community facility.
- ✓ Storm water and other drainage facility plans.
- ✓ Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized for the proposed subdivision.
- ✓ Statement from each utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions.
- ✓ Proposed fire protection system for the proposed subdivision and written approval thereof by the appropriate serving fire protection agency.



# STONE OAK SUBDIVISION

TAXLOT: 111301CA02203  
 CITY PROJECT NUMBER: TBD  
 JANUARY 2023  
 CITY OF MADRAS, JEFFERSON COUNTY, OREGON



STONE OAK SUBDIVISION  
 PLANNING DRAWINGS  
 COVER SHEET  
 CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:	1.	2.	3.

549 SW MILL VIEW WAY  
 SUITE 100  
 BEND, OREGON 97702  
 (541) 683-3140  
 www.beconing.com

**BECON**  
 Civil Engineering  
 & Land Surveying

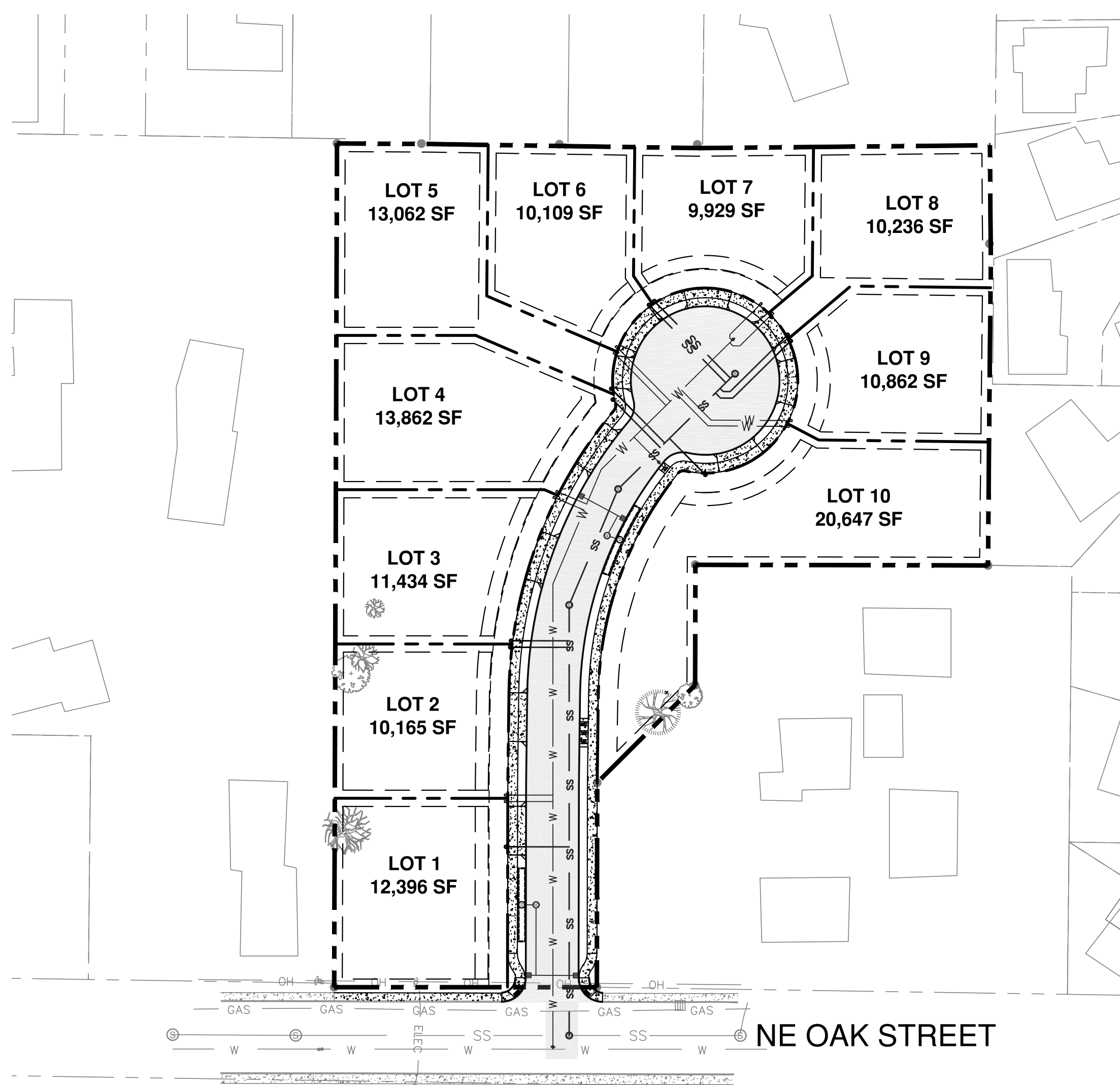
DESIGNED BY: AKP  
 DRAWN BY: CWA  
 SCALE: 1" = 60'  
 FILE: 22087  
 DATE: 1/20/2023

VERIFY SCALES  
 0 1"  
 BAR EQUALS ONE INCH  
 ON ORIGINAL DRAWING

SHEET: C - 1.0  
 1 OF 5  
 CITY PROJECT#: TBD

### CONSTRUCTION NOTES:

- NO CONSTRUCTION SHALL BE STARTED WITHOUT A NOTICE TO PROCEED BY THE CITY ENGINEERING DEPARTMENT. THE CITY ENGINEERING DEPARTMENT AND THE DESIGN ENGINEER SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO THE START OF CONSTRUCTION. ANY CONSTRUCTION WORK DONE PRIOR TO NOTICE TO PROCEED BEING ISSUED OR WITHOUT INSPECTION WILL BE REJECTED.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS ON THE JOB SITE INCLUDING BUT NOT LIMITED TO, ALL DIMENSIONS, GRADES, ELEVATIONS, EXTENT AND COMPATIBILITY TO THE EXISTING SITE CONDITIONS, AND WITH THE WORK DESCRIBED ON THE ENGINEER'S DRAWINGS. ANY DISCREPANCIES OR UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. CONTRACTOR SHALL NOT PROCEED WITH ANY OF THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO, THEN IT IS UNDERSTOOD THAT THE CONTRACTOR IS CHOOSING TO PROCEED AT THE CONTRACTOR'S OWN RISK AND SHALL INCUR ALL COSTS, IF ANY TO RESOLVE THE ISSUES TO THE SATISFACTION OF THE ENGINEER.
- A CITY INSPECTOR ACTING ON BEHALF OF THE CITY MAY REQUIRE REVISIONS IN PLANS TO SOLVE UNFORESEEN PROBLEMS THAT MAY ARISE IN THE FIELD.
- ALL CONSTRUCTION WORK AND INSTALLATIONS SHALL CONFORM TO THE CURRENT CITY OF BEND PUBLIC WORKS STANDARDS & SPECIFICATIONS REQUIREMENTS, AND ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT "UNDERGROUND LOCATE SERVICE" AT 1-800-332-2344 AT LEAST 48 BUSINESS-DAY HOURS PRIOR TO THE START OF CONSTRUCTION FOR THE LOCATION OF POWER, GAS, CABLE TV AND TELEPHONE UNDERGROUND FACILITIES. THE CONTRACTOR WILL ALSO BE RESPONSIBLE FOR CONTACTING THE APPROPRIATE PUBLIC AGENCY FOR THE LOCATION OF UNDERGROUND FACILITIES.
- ALL UTILITIES SHOWN ARE ACCURATE TO THE EXTENT OF AVAILABLE RECORDS AND KNOWLEDGE. NO POTHOLING TO VERIFY LOCATIONS AND ELEVATIONS WAS AUTHORIZED BY THE OWNER. THE CONTRACTOR HAS THE TOTAL RESPONSIBILITY TO VERIFY THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND TO NOTIFY THE UTILITY COMPANIES WHEN WORKING IN THEIR PROXIMITY. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION. OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)232-2987.
- ALL GRADING SHALL BE IN CONFORMANCE WITH THE CURRENT CITY STANDARDS AND SPECIFICATIONS AND CURRENT GRADING ORDINANCE. ALL SUBGRADE MATERIAL SHALL BE CONSIDERED CLASS A AND COMPACTED TO 95% OF OPTIMUM DENSITY. AS SPECIFIED IN THESE PLANS, ALL FILL MATERIAL SHALL BE COMPACTED TO 95% RELATIVE COMPACTION PER THE CITY TESTING REQUIREMENTS.
- ALL FINAL CUT SLOPES SHALL NOT EXCEED A GRADE OF 2 TO 1 VERTICAL UNLESS OTHERWISE APPROVED. FILL SLOPES SHALL NOT EXCEED A GRADE OF 2 HORIZONTAL TO 1 VERTICAL UNLESS OTHERWISE APPROVED BY THE ENGINEER.
- ALL UNSUITABLE SOILS MATERIALS, RUBBISH AND DEBRIS RESULTING FROM GRADING OPERATIONS SHALL BE REMOVED FROM THE JOB SITE AND DISPOSED OF PROPERLY.
- THE CONTRACTOR SHALL EMPLOY ALL LABOR, EQUIPMENT, AND METHODS REQUIRED TO PREVENT DUST IN AMOUNTS DAMAGING TO PROPERTY, CULTIVATED VEGETATION AND DOMESTIC ANIMALS OR CAUSING A NUISANCE TO PERSONS OCCUPYING BUILDINGS IN THE VICINITY OF THE JOB SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED BY DUST RESULTING FROM CONSTRUCTION.
- THE CONTRACTOR SHALL FOLLOW ALL APPLICABLE INDUSTRIAL SAFETY REGULATIONS. THE CITY AND DESCHUTES COUNTY AND THEIR OFFICIALS, THE ENGINEER, AND THE OWNER SHALL NOT BE RESPONSIBLE FOR ENFORCING SAFETY REGULATIONS.
- MATERIAL QUANTITIES USED, NOTED, OR PROVIDED IN A SEPARATE ITEMIZED QUANTITY TAKE-OFF ARE AN ENGINEER'S OPINION OF PROBABLE MATERIAL REQUIREMENTS, AND IS AN ESTIMATE ONLY. CONTRACTOR'S HAVE THE SOLE RESPONSIBILITY OF MAKING THEIR OWN QUANTITY TAKE-OFF AND COST ESTIMATE.
- ALL WORK SHALL BE PERFORMED BY A CITY APPROVED CONTRACTOR.
- UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN SERVING THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE THE REMOVAL OF ANY OBSTRUCTIONS INCLUDING TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF THE UTILITIES AND FACILITIES IN THE PUE.
- CITY ENGINEER'S SIGNATURE DOES NOT CONSTITUTE APPROVAL OF FACILITIES PROPOSED ON PRIVATE PROPERTY. SEPARATE PERMITS ISSUED BY THE BUILDING DEPARTMENT ARE REQUIRED AND SHALL BE OBTAINED BY THE DEVELOPER FOR FACILITIES LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.
- ANY WORK WITHIN EXISTING PUBLIC RIGHT-OF-WAY OR DEDICATED CITY EASEMENTS REQUIRES A SEPARATE RIGHT-OF-WAY EXCAVATION PERMIT OBTAINED FROM THE CITY ENGINEERING DIVISION.
- ACCESS TO EXISTING PROPERTIES/RESIDENTS AFFECTED BY CONSTRUCTION ACTIVITIES WILL BE MAINTAINED AT ALL TIMES BY THE CONTRACTOR. EMERGENCY ACCESS AND COORDINATION OF BEND EMERGENCY SERVICES WILL BE REQUIRED.
- SURVEY MONUMENTS, CONTROLS, OR PROPERTY CORNERS WHICH ARE DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES WILL BE RE-ESTABLISHED, RESTORED, AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.
- TOPOGRAPHY SURVEY DATUM IS BASED ON NAD89 USING THE OREGON NETWORK.
- ALL NECESSARY CHANGES TO DESIGN PLANS, REVEALED DURING CONSTRUCTION, MUST BE APPROVED BY THE DESIGN ENGINEER AND CITY OF BEND.



**SITE MAP**  
 1" = 60'

### DEVELOPER:

MOMENTASIZE, LLC  
 DIRK VAN DER VELDE  
 16330 SKYLINE RANCH ROAD  
 BEND, OR 97703

### ENGINEER & SURVEYOR:

BECON CIVIL ENGINEERING &  
 LAND SURVEYING  
 APRIL PUST, PE  
 549 SW MILL VIEW WAY, STE 100  
 BEND, OREGON 97702

### UTILITY PROVIDERS:

CITY OF MADRAS WATER  
 CITY OF MADRAS SEWER  
 PACIFIC POWER  
 CASCADE NATURAL GAS  
 BEND BROADBAND

### SHEET INDEX:

- C-1.0 - COVER SHEET
- C-2.0 - EXISTING CONDITIONS & DEMO PLAN
- C-3.0 - TENTATIVE SUBDIVISION PLAT
- C-4.0 - SITE AND UTILITY PLAN
- C-5.0 - GRADING & DRAINAGE PLAN

PLANNING SET



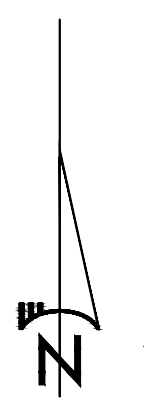


**LEGEND**

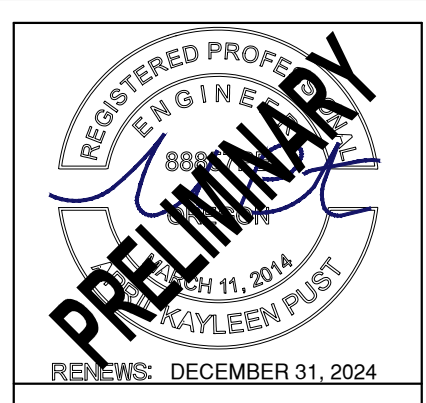
PROJECT BOUNDARY	---	EXISTING SIGN	○
EXISTING TAX LOTS	- - - - -	EXISTING OVERHEAD CABLE	OH
EXISTING CONTROL	▲	MAJOR CONTOURS	-3505-
EXISTING MONUMENT	●	MINOR CONTOURS	-3503-
EXISTING STORM CATCH BASIN	▤	EXISTING CURB	—
EXISTING HYDRANT	⊙	EXISTING WATER	W
EXISTING WATER VALVE	⊕	EXISTING SEWER	SS
EXISTING POWER POLE	⊕	EXISTING STORM	SD
EXISTING TREE TO BE PRESERVED	⊙	EXISTING FENCE	x
EXISTING TREE TO BE REMOVED	⊙	EXISTING CONCRETE	▨
TREE PROTECTION FENCE	○	CURB REMOVAL	~
EXISTING POWER/COMM PEDESTAL	○		

**DEMO NOTES**

- 1 EXISTING POWER POLE AND TELEPEL TO BE RELOCATED. ALL RELOCATIONS TO BE COORDINATED WITH FRANCHISE UTILITY COMPANIES. PP&L WORK ORDER #7002165.
- 2 APPROX 60 LF EXISTING CURB TO BE REMOVED



**EXISTING CONDITIONS & DEMO PLAN**  
1" = 40'



**STONE OAK SUBDIVISION**  
**PLANNING DRAWINGS**  
**EXISTING CONDITIONS & DEMO PLAN**  
CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

**BECON**  
Civil Engineering & Land Surveying  
549 SW MILL VIEW WAY  
SUITE 100  
BEND, OREGON 97702  
(541) 683-3140  
www.beconeing.com

DESIGNED BY: AKP  
DRAWN BY: CWA  
SCALE: 1" = 40'  
FILE: 22087  
DATE: 1/20/2023

VERIFY SCALES  
0 1"  
BAR EQUALS ONE INCH ON ORIGINAL DRAWING

SHEET: C - 2.0

2 OF 5

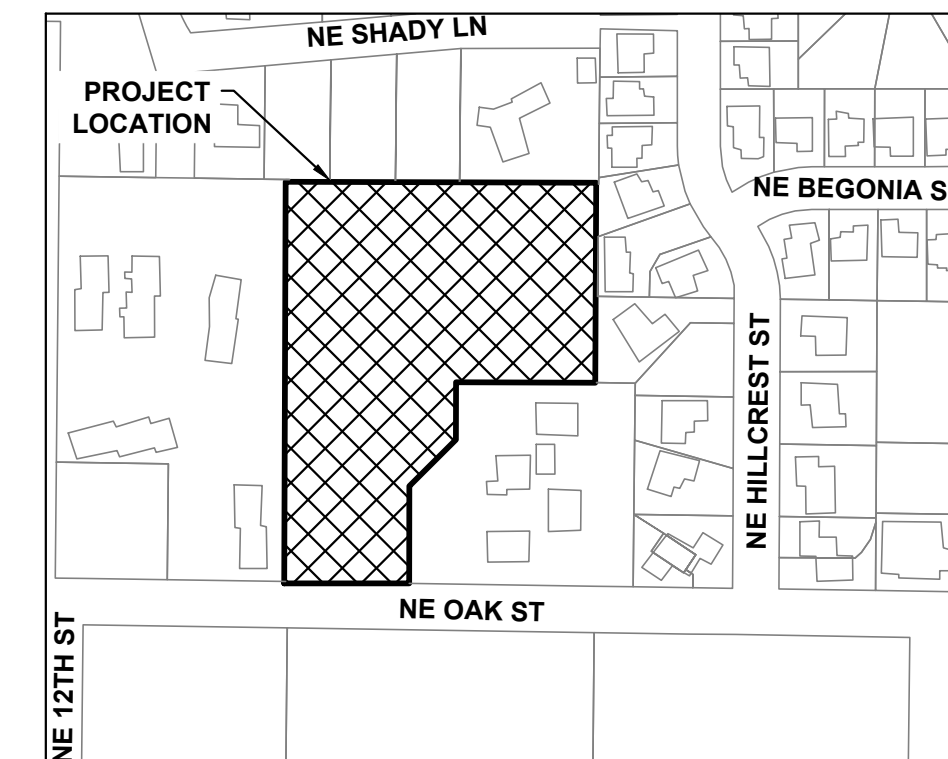
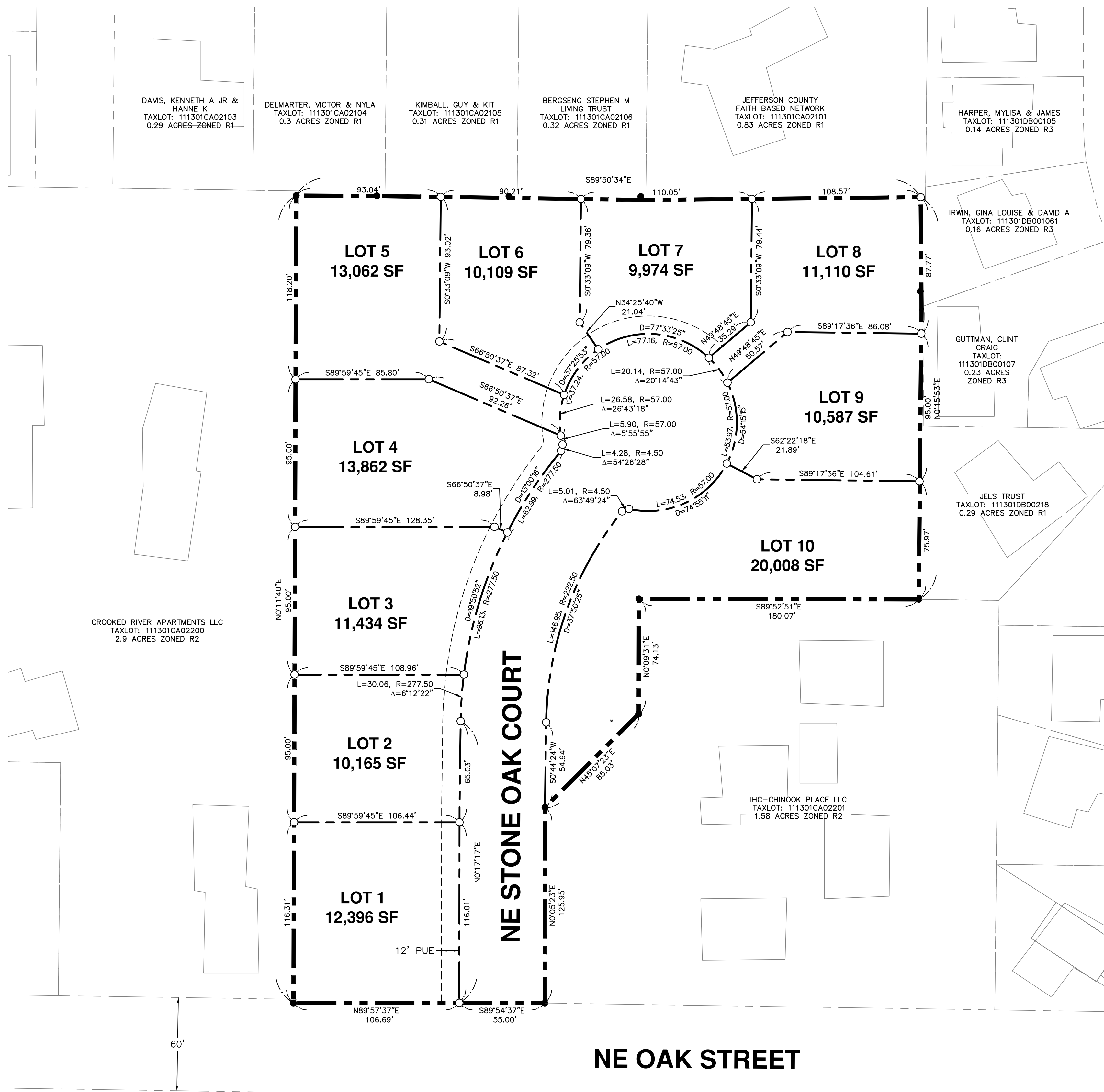
CITY PROJECT#: TBD

PLANNING SET



# STONE OAK - TENTATIVE SUBDIVISION PLAT

LOCATED IN THE N.E. 1/4 OF THE S.W. 1/4 SECTIONS 1 TOWNSHIP 11S RANGE 13E W.M. JEFFERSON COUNTY, OREGON.



VICINITY MAP  
NTS

### LEGEND:

- PROJECT BOUNDARY
- EXISTING TAX LOTS
- PROPOSED LOT LINE
- PROPOSED EASEMENT LINE
- FOUND MONUMENT
- PROPOSED MONUMENT

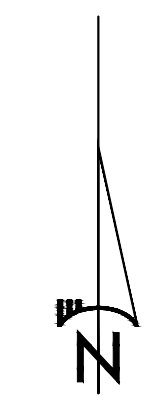
### SITE DATA:

- TAX PARCEL: 111301CA02203
- CURRENT ZONING: R1 - RESIDENTIAL
- CURRENT USE: UNDEVELOPED LOT
- PROPOSED USE: SUBDIVISION - 4-PLEX & TRIPLEX LOTS
- TOTAL LOT AREA: 3.5 ACRES
- TOTAL LOT COUNT: 10 LOTS
- CODE SETBACKS: FRONT - 12'  
GARAGE - 20'  
SIDE - 5'  
REAR - 5'
- MIN LOT SIZE: 7,500 SF
- DENSITY: UNITS PROPOSED = UP TO 39  
MINIMUM DENSITY = 4 UNITS/ACRE  
PROPOSED DENSITY = 11 UNITS/ACRE

### PROPOSED LOT AREAS:

- LOT 1 - 12,396 SF
- LOT 2 - 10,165 SF
- LOT 3 - 11,434 SF
- LOT 4 - 13,862 SF
- LOT 5 - 13,062 SF
- LOT 6 - 10,109 SF
- LOT 7 - 9,974 SF
- LOT 8 - 11,110 SF
- LOT 9 - 10,587 SF
- LOT 10 - 20,008 SF

RIGHT-OF-WAY DEDICATION - 29,285 SF



## TENTATIVE SUBDIVISION PLAT

1" = 40'

PLANNING SET



**STONE OAK SUBDIVISION**  
**PLANNING DRAWINGS**  
**TENTATIVE SUBDIVISION PLAT**  
 CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

**BECON**  
 Civil Engineering & Land Surveying  
 549 SW MILL VIEW WAY  
 SUITE 100  
 BEND, OREGON 97702  
 (541) 633-3140  
 www.beconeg.com

DESIGNED BY: AKP  
 DRAWN BY: CWA  
 SCALE: 1" = 40'  
 FILE: 22087  
 DATE: 1/20/2023

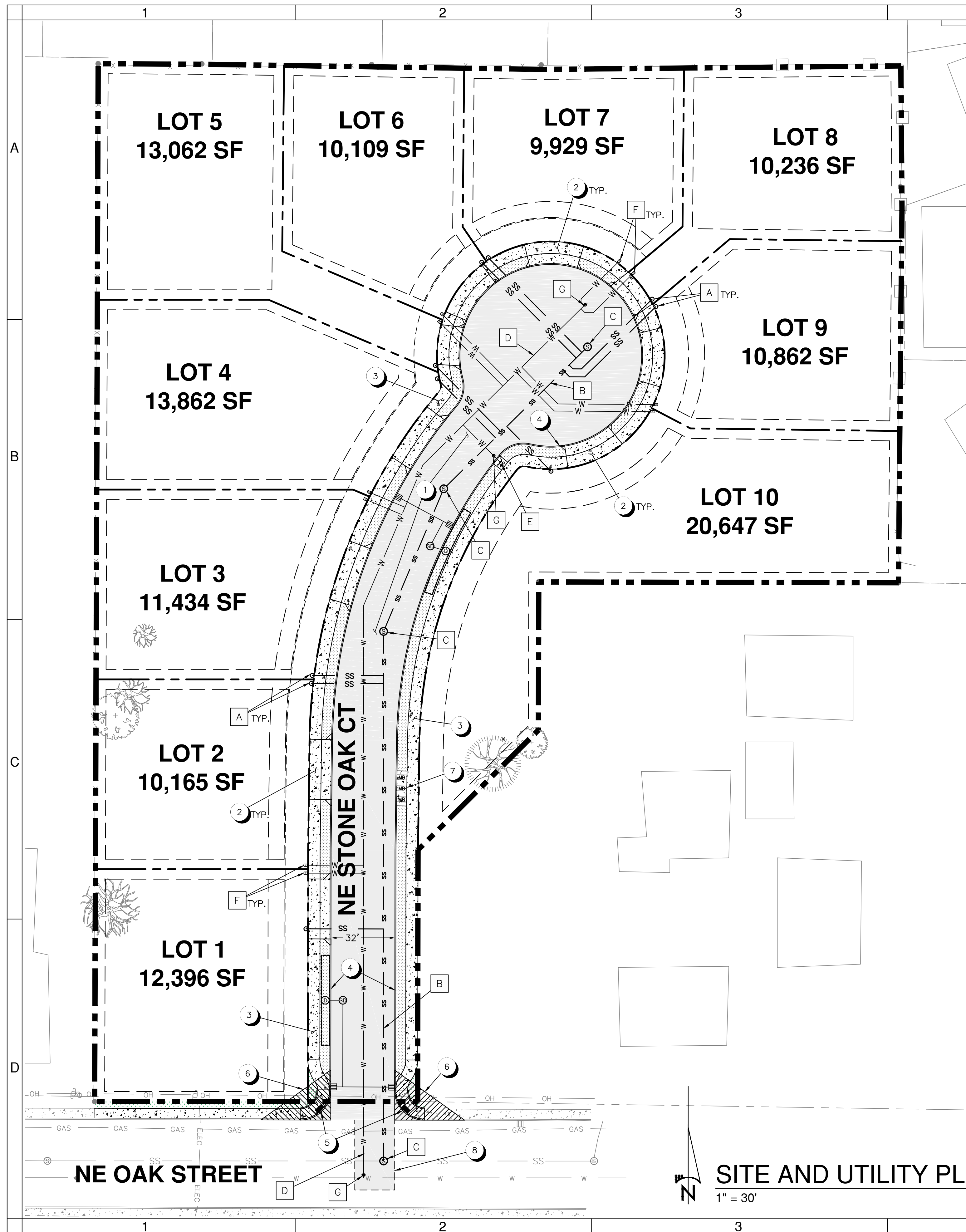
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 BAR EQUALS ONE INCH  
 ON ORIGINAL DRAWING

SHEET: C - 3.0

3 OF 5

CITY PROJECT#: TBD





**LEGEND:**

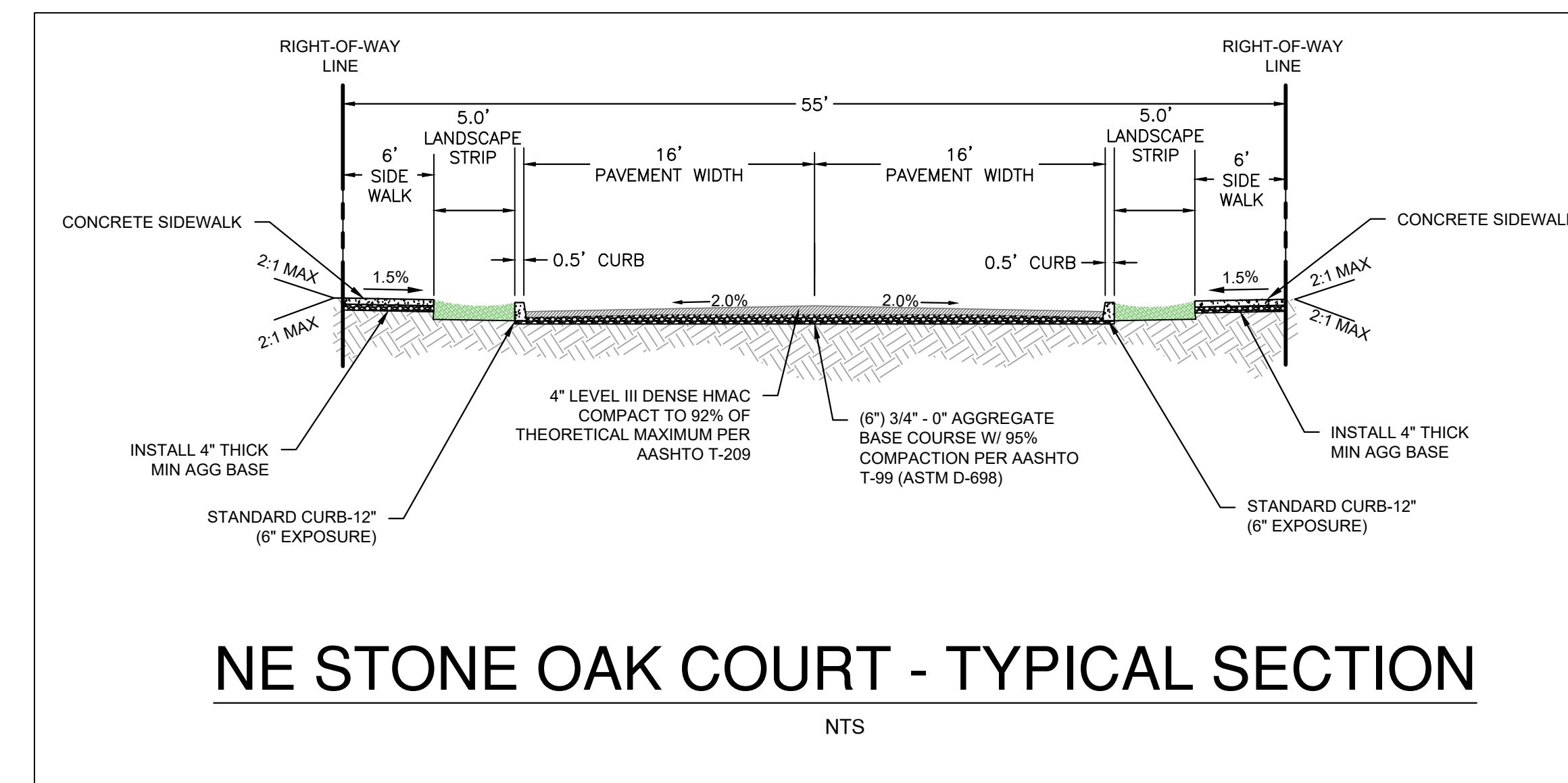
PROPERTY BOUNDARY	----	PROPOSED WATER VALVE	⊙
PROPOSED TAX LOTS	----	PROPOSED FIRE HYDRANT	⊙
BUILDING SETBACK	----	PROPOSED WATER METER	⊙
PROPOSED ASPHALT	▬▬▬▬	PROPOSED SEWER MANHOLE	⊙
PROPOSED CONCRETE	▬▬▬▬		
PROPOSED LANDSCAPING	▬▬▬▬		
PROPOSED CURB	▬▬▬▬		
PROPOSED WATER SERVICE	— w —		
PROPOSED SEWER SERVICE	— SS —		
PROPOSED STORM DRAIN	— SD —		
PROPOSED SAWCUT LINE	----		

**SITE NOTES**

- ① PROPOSED NEW 4" HMAC OVER 6" COMPACTED GRAVEL BASE FOR PROPOSED LOCAL STREET
- ② TENTATIVE ACCESS DRIVEWAY
- ③ PROPOSED 6' WIDE CONCRETE WALKWAY
- ④ PROPOSED STANDARD 12" CURB WITH 6" REVEAL
- ⑤ PROPOSED ADA CURB RAMP
- ⑥ CLEAR VISION AREAS
- ⑦ PROPOSED CLUSTER MAILBOX
- ⑧ PROPOSED SAWCUT AND PATCHING FOR UTILITY CONNECTIONS

**UTILITY NOTES**

- A PROPOSED SEWER SERVICE AND CLEANOUT
- B PROPOSED SEWER MAIN
- C PROPOSED SANITARY SEWER MANHOLE
- D PROPOSED WATER MAIN
- E PROPOSED FIRE HYDRANT
- F PROPOSED WATER METER
- G PROPOSED WATER VALVE



**STONE OAK SUBDIVISION**  
**PLANNING DRAWINGS**  
**SITE AND UTILITY PLAN**  
CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

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DESIGNED BY: AKP  
DRAWN BY: CWA  
SCALE: 1" = 30'  
FILE: 22087  
DATE: 1/20/2023

VERIFY SCALES  
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BAR EQUALS ONE INCH  
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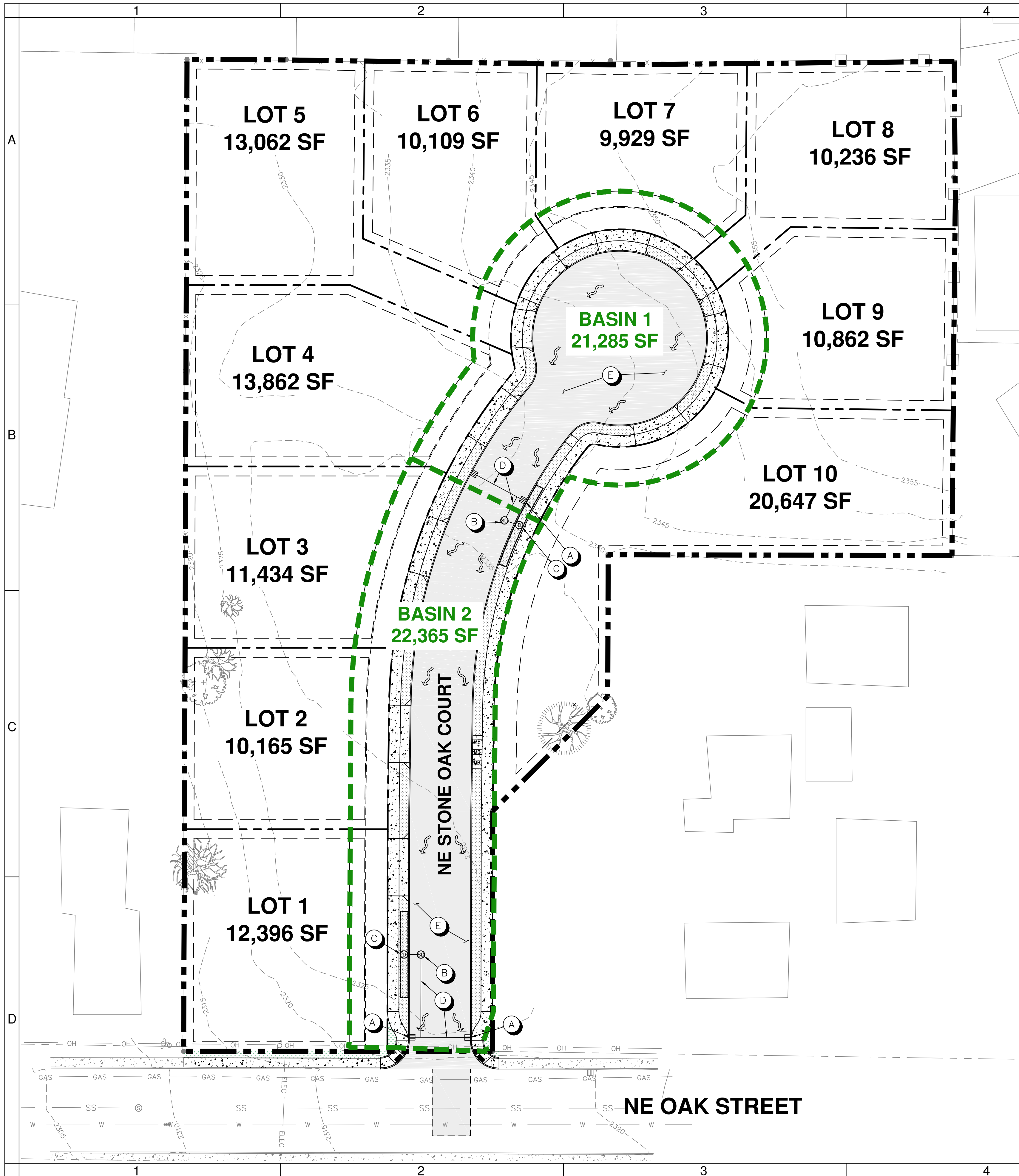
SHEET: **C - 4.0**

4 OF 5

CITY PROJECT#: TBD

PLANNING SET





**LEGEND**

- SURFACE FLOW ARROW
- PROPOSED DRAINAGE BASIN
- PROPOSED 6" PVC STORM PIPE
- PROPOSED DRYWELL
- PROPOSED SEDIMENT MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED DRYWELL ROCK GALLERY
- EXISTING MAJOR CONTOURS

**GRADING & DRAINAGE NOTES**

- (A) PROPOSED CATCH BASIN
- (B) PROPOSED SEDIMENTATION MANHOLE
- (C) PROPOSED DRYWELL
- (D) PROPOSED 6" PVC STORM PIPE
- (E) STREET GRADING PLAN TO BE PROVIDED WITH SITE ENGINEERING PLANS

**STORMWATER CALCULATIONS**

6 MONTH = 0.7" / 50 YEAR = 2.0" / 100 YEAR = 2.2"

BASIN	FACILITY TYPE	IMPERVIOUS AREA (SF/AC) CN=98	FACILITY STORAGE VOLUME (CF/GAL)	50 YR STORM PEAK FLOW (CFS/GPM)	50 YR STORM VOLUME (CF/GAL)	DESIGN INFILTRATION (IN/HR)	50-YR STORM CAPACITY USED
1	DRYWELL (6 FT)	11,922/0.273	1,560/11,670	0.021/9.42	1,699/12,709	1.98	62%
2	DRYWELL (6 FT)	13,662/0.313	1,560/11,670	0.024/10.77	1,948/14,572	1.98	71%



**STONE OAK SUBDIVISION**  
**PLANNING DRAWINGS**  
**GRADING AND DRAINAGE PLAN**  
 CITY OF MADRAS, JEFFERSON COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

**BECON**  
 Civil Engineering & Land Surveying  
 549 SW MILL VIEW WAY  
 SUITE 100  
 BEND, OREGON 97702  
 (541) 683-3140  
 www.beconeg.com

DESIGNED BY: AKP  
 DRAWN BY: CWA  
 SCALE: 1" = 30'  
 FILE: 22087  
 DATE: 1/20/2023

VERIFY SCALES  
 0 1"  
 BAR EQUALS ONE INCH  
 ON ORIGINAL DRAWING

SHEET: **C - 5.0**

**5 OF 5**

CITY PROJECT#: TBD

**GRADING AND DRAINAGE PLAN**  
 1" = 30'

PLANNING SET



BECON, LLC  
Civil Engineering and Land Surveying  
549 SW Mill View Way, Suite 100 • Bend OR, 97702 • 541.633.3140

## **Burden of Proof Statement** Stone Oak Subdivision

- Applicant:** Momentasize, LLC  
Dirk van der Velde  
16330 Skyline Ranch Road  
Bend, OR 97703
- Owner:** Momentasize LLC, VDV Properties & Ann Marie van der Velde  
16330 Skyline Ranch Road  
Bend, OR 97703
- Engineer:** BECON Civil Engineering & Land Surveying  
549 SW Mill View Way, Suite 100  
Bend, OR 97702
- Location:** The subject property is located on the north side of Oak Street, directly across from St. Charles, and is identified as Tax Lot 111301CA02203.
- Proposal:** The proposal includes Tentative Plan review to subdivide the 3.5-acre R-1 property into a 10 lot subdivision, to be constructed in a single phase. The proposed development is intended for four-plex and triplex units and includes all rights of way, streets, water, and sewer facilities needed to serve the proposed units.
- Exhibits:** In addition to this burden of proof statement, the applicant submits the following documents in support of this proposal:
- Ownership Deed
  - Title Report
  - Utility Will Serve Letters
  - Trip Generation Statement
  - Engineering Planning Drawings
    - Cover Sheet
    - Existing Conditions and Demo Plan
    - Tentative Plat
    - Site Plan
    - Utility Plan

Chapter 18.15  
LAND USE ZONES

18.15.040 Moderate density residential (R-1), higher density residential (R-2), and planned residential development (R-3).

...

(2) *Uses.*

(a) *Types of Uses.* For the purposes of this section, there are three types of uses:

(i) A permitted use (P) is a use which is permitted outright subject to zoning review or site plan approval, as applicable, and to all of the applicable provisions of this code. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).

Table 18.15.040-2. Housing Types in the R-1, R-2, and R-3 Zone Residential Use Category	R-1	Limitations and qualifications
Accessory dwelling unit	P	(a) Permitted in conjunction with one single detached dwelling.
Townhouse	P	(a) See MDC <a href="#">18.30.191</a> , Townhouse design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to three dwelling units, attached or detached	P	(a) Permitted on lots 5,000 square feet or greater, per MDC <a href="#">18.50.030</a> . (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to four dwelling units, attached or detached	P	(a) Permitted on lots 7,500 square feet or greater. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Cottage cluster	P	(a) See MDC <a href="#">18.30.192</a> , Cottage cluster design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
Apartments	P	(a) Permitted on lots 7,500 square feet or greater (first four units), plus 1,000 square feet for each additional dwelling unit in R-1. (b) Permitted on lots 6,000 square feet or greater (first four units) plus 1,950 square feet for each additional dwelling unit in R-3. (c) Apartments in the R-1 zone are limited to no more than four units per structure, no more than 30

		feet in height, no single façade on any single structure may exceed a width of 60 feet, and no more than 24 units in total. (d) See MDC <a href="#">18.30.190</a> , Residential design standards.
--	--	--

(ii) A conditional use (C) is a use which must be approved at the discretion of the Planning Commission and subject to site plan approval, and to all of the applicable provisions of this code. The conditional use specific approval process and criteria are set forth in Chapter [18.65](#) MDC. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of MDC [18.80.320](#).

(iii) A prohibited use (X) is one which is expressly prohibited in the zone. In addition, uses not specifically listed as permitted or conditional in MDC Table 18.15.040-1, or which are deemed to be similar uses pursuant to MDC [18.80.320](#), are also prohibited.

(b) *Use Table.* A list of permitted, conditional, and prohibited uses in residential zones is set forth in MDC Table 18.15.040-1.

**(3) Housing Types.**

(a) *Types of Housing Units.* For the purposes of this section, all types of permitted housing are listed in MDC Table 18.15.040-2 below. See MDC [18.05.030](#), Definitions, for specific descriptions of the housing types listed in the table. Minimum lot sizes noted for specific housing types apply only to new lots of record. Existing nonconforming lawfully established lots are permitted to develop housing types permitted in the applicable zone as long as all development standards in MDC Table 18.15.040-3 can be met.

**Table 18.15.040-2 Housing Types.**

**FINDING:** The development is intended for triplex and four-plex dwelling units, which are outright permitted uses in the R-1 zone for the lot sizes proposed.

**(4) Development Standards.** In the R-1, R-2, and R-3 zones, the development standards in MDC Table 18.15.040-3 apply. The standards in MDC Table 18.15.040-3 are not applicable to cottage cluster development or townhouse development. See development standards for these housing types in MDC [18.30.191](#) and [18.30.192](#).

**Table 18.15.040-3 Development Standards**

Table 18.15.040-3. Development Standards in the R-1, R-2, and R-3 Zones Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
<b>A. Lot Size Requirements</b>				
<b>1. Minimum lot size (square feet)</b>	<b>7,500</b>	<b>7,500</b>	<b>6,000</b>	<b>Minimum lot size in this table applies to all new lots of record except for lots</b>



Table 18.15.040-3. Development Standards in the R-1, R-2, and R-3 Zones Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
				created as part of townhome or cottage cluster developments. For permitted housing types on this lot size see MDC Table 18.15.040-2 above. See MDC <a href="#">18.50.030</a> .
2. Maximum lot coverage (percent of total lot area)	50%	50%	50%	See definition of lot coverage in MDC <a href="#">18.05.030</a> , Definitions, for explanation of what portions of a building on a lot are included.
3. Minimum density (dwelling units per gross acre)	4	4	7	A land division with the residential zones may create a remainder development lot in excess of one-half (1/2) acre only if approved as part of a phased subdivision.
<b>B. Development Standards</b>				
<b>1. Minimum setbacks (feet)</b>				
a. Front	12			
b. Side	5			In the R-3 zone, apartments must be set back 15 feet from side and rear property lines.
c. Rear	5			
d. Garage loaded from a street	20			
e. Garage loaded from an alley	0 or 20			If off-street parking spaces are provided in front of garage, they must be of adequate length to accommodate a full vehicle length to avoid overhang in the right-of-way.
<b>2. Building height</b>				
a. Minimum building height (feet)	none			
b. Maximum building height (feet)	35	45		

Table 18.15.040-3. Development Standards in the R-1, R-2, and R-3 Zones Standard	Residential Zones			Limitations and Qualifications
	R-1	R-2	R-3	
<b>3. Side yard height plane (feet)</b>				
a. Maximum height at minimum required side yard depth (feet)	20	25	20	For illustration of the side yard height plane development standard, see MDC <a href="#">18.05.030</a> , Definitions.
b. Slope of plane (degrees)	45	45	45	

**FINDING:** The proposal includes lots that are intended for 4-plex and triplex units. As detailed on the Tentative Plan, all lots are in excess of the minimum square footage (7,500 sf) and in conformance with this section. With a total of 39 units, the proposed density is 11.1 units per acre, which satisfies the minimum density of 4 units per acre.

All required building setbacks are shown on the Tentative Plat. However, no buildings are proposed with this application, so building height and lot coverage will be reviewed for conformance at the time of building permit.

**(5) Design Standards.** All new one to four dwelling units, accessory dwelling units, townhouses, cottages, and apartments must comply with the design standards found in MDC [18.30.190](#)...

**FINDING:** The design standards in MDC 18.30.190 will be addressed at the time of building permit for each of the proposed lots.

**(6) Off-Street Parking Regulations.**

(a) See MDC Table [18.25.050-1](#), Required Vehicle Parking.

**FINDING:** Each of the proposed units will have off-street parking in the driveway, attached garage or both. This criteria will be addressed further at the time of building permit.

**(7) Sanitation Regulations.** Before any structure receives a certificate of occupancy, it must be connected to the City sewer system if the structure is within 300 feet of an existing public sewer line.

**(8) Water Regulations.** Before any structure receives a certificate of occupancy, it must be connected to the City water system unless authorized by the City for connection to an adjoining water system.

**FINDING:** New public water and sewer mains will be constructed in the proposed local street. Water and sewer services will be stubbed to each of the proposed lots prior to recording of the final plat.

**(9) Flood Hazard Areas.** Any structure proposed to be located in the flood hazard area must meet the standards of the Federal Emergency Management Agency (FEMA) and Chapter [18.45](#) MDC.

**FINDING:** The subject property is not located in a flood hazard area. This criteria does not apply.

**(10) Lighting.** All lighting must comply with the outdoor lighting standards.

**FINDING:** No lighting is proposed with this subdivision application. This criteria does not apply.

## **Chapter 18.20 PUBLIC IMPROVEMENT AND SITE DEVELOPMENT STANDARDS**

### **18.20.010 Compliance required.**

All development must be in compliance with this chapter. The term “public improvement standards” is not intended to be limited to publicly owned improvements but to any improvements governed or regulated by this chapter. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.1, 2019.]

**FINDING:** This section is a Purpose Statement and it does not contain any measureable approval criteria or development standards.

### **18.20.020 Streets.**

**(1) Access.** No development may occur unless the development has frontage or approved access to a public or private street and the following standards are met:

- (a) Streets within or adjacent to a development must be improved in accordance with the design and construction standards.**
- (b) Development of new streets, and additional street width or improvements planned as a portion of an existing street, must be improved in accordance with this section, and public street right-of-way and private street easements must be dedicated to the City.**
- (c) All new and/or existing streets and alleys must be paved per the design and construction standards.**

**FINDING:** The development has frontage on NE Oak Street and the proposed local street meets the criteria in sections a, b and c above.

**(2) General.** The location, width, and grade of streets must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system must assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Subdivisions must provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City has adopted a master development plan, street plan, or plat of a neighborhood or area of which the development is a part, the development must conform to such adopted plans or plat.

**FINDING:** The proposed local street is designed to meet City standards and specifications and has been placed in the portion of the NE Oak Street frontage with the least amount of topography. See Sheet 4.0 Site and Utility Plan for details.



**(3) Existing Streets.** Whenever existing streets, adjacent to or within a development, are of inadequate width to accommodate the increase in traffic expected from the development or by the City's transportation policies, additional right-of-way must be provided at the time of the land development by the applicant. During consideration of the development, the City Public Works Director will determine whether the improvements to existing streets, adjacent to or within the development, are required. If so determined, such improvements shall be required as a condition of approval of the application. Improvements to adjacent streets shall be required where traffic on said streets is directly affected by the proposed development.

**(4) Minimum Right-of-Way and Roadway Width.** The street right-of-way and roadway surfacing widths must be in conformance with standards and specifications set forth in the design and construction standards.

**FINDING:** The proposed right-of-way width is 55 feet, which is in conformance with the local street standards.

**(5) Extension of Streets.** Streets must be extended "to and through" the development, meaning that streets meeting the design and construction standards are extended along all frontages. The resulting dead-end streets may be approved without a permanent turn-around.

**FINDING:** The properties adjacent to the project site are developed, which precludes a "to and through" street connection. The proposed local street connects to NE Oak Street and extends north into the site, ending in a cul-de-sac.

**(6) Frontage and Access.** If a development abuts or contains an existing or proposed collector or arterial street, the Public Works Director shall restrict or limit access by means consistent with the design and construction standards. The Public Works Director may require private streets with access easements, reciprocal access easements, access restriction agreements, reserve strips, or similar requirements to achieve the objectives of this subsection. Provision may be made for emergency access. All private streets and access drives must comply with applicable standards set forth in the design and construction standards.

**FINDING:** The property has approximately 160 feet of frontage on NE Oak Street and the new local street is proposed on the portion of the frontage with the least amount of topography. There is an existing power pole that will need to be relocated and the developer is coordinating with Pacific Power.

**(7) Continuation of Streets.** New streets or street extensions that constitute the continuation of existing streets in contiguous territory must be aligned along their respective centerlines to produce a straight street. Where straight line continuations are not possible, such centerlines shall be continued as curves. These streets or the continuation of streets in contiguous territory may be required by the Public Works Director where such continuation is necessary to maintain the function of the street or desirable to support development of the surrounding area. Where solar orientation would not be possible if the street area continued, a new pattern acceptable to the Public Works Director may be started that is solar-oriented.

**FINDING:** The proposed local street is not an extension or continuation of an existing street. This criteria does not apply.

**(8) *Street Layout.*** Streets should be oriented to form a grid to the greatest possible extent.

**(9) *Intersection Angles.*** Street intersections must be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

**FINDING:** As proposed, NE Oak Street and the new local street intersect at a 90 degree angle. This standard has been met.

**(10) *Street Names.*** Except for extensions of existing streets, no street name may be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers must conform to the established pattern in the City and are subject to the approval of the Fire Department and Public Works Director.

**FINDING:** The proposed name for the local street is NE Stone Oak Court.

**(11) *Alignment and Separation.*** The alignment of streets and the separation distances between streets shall be governed by the design and construction standards. [Ord. 933 § 4.2, 2019.]

**FINDING:** The minimum separation distance for a local street is 150 feet. The closest intersections are 420 feet away (NE Oak Street and NE 12<sup>th</sup> Street) and 480 feet away (NE Oak Street and NE Hillcrest Street) measured centerline to centerline. The parking lot for the Willow Creek Apartments is approximately 230 feet from the centerline of the proposed local street.

#### **18.20.030 Sidewalks and pedestrian amenities.**

**(1) *Sidewalks.*** Sidewalks are required to be installed along all frontages of the subject property and on both sides of internal streets unless waived by the Public Works Director. The location of the sidewalks, whether curb side or property lines, will be determined by the Public Works Director.

**FINDING:** Sidewalks are proposed along both sides of the new local street as well as along the southern property boundary on the north side of NE Oak Street. This standard has been met.

**(2) *Bicycle Routes/Multi-Use Paths.*** If appropriate to the extension of a system of bicycle routes and multi-use paths, existing or planned, the City may require the installation of separate bicycle lanes within streets and/or the dedication of easements or rights-of-way for multi-use paths. [Ord. 933 § 4.3, 2019.]

**FINDING:** No bicycle routes or multi-use paths are proposed or required with this project. This criteria does not apply.

#### **18.20.040 Frontage and access.**

Except as otherwise provided herein, every lot must abut a street (other than an alley) for at least 50 feet and access to all lots or parcels must comply with the access management strategies contained in the Transportation System Plan. Notwithstanding the foregoing, townhome/zero-lot line subdivisions (as defined in MDC [18.60.110](#)) may have as little as 25 feet of frontage, properties abutting a cul-de-sac only require 30 feet of frontage, properties within commercial zones may have as little as 30 feet if access is shared with at least one adjoining property with no less than 30 feet of frontage, and cottage lots within a cottage cluster subdivision need not have any frontage when abutting a public utility

easement that connects to a street (to allow for extension of utilities to the lot) and access easements acceptable to City are provided to the cottage lot.

Table 18.20.040.

Type of Development	Minimum Frontage
Regular lot	50 feet
Lots fronting a cul-de-sac	30 feet

**FINDING:** All of the proposed lots meet or exceed the minimum frontage requirements of this section. See Sheet C-3.0 Tentative Subdivision Plat for details.

**18.20.050 Utilities.**

**(1) *Underground Facilities.*** All permanent utility services, both existing and any new proposed utilities infrastructure, must be provided from underground facilities and no overhead utility service shall be permitted; with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground. All development must:

- (a) Provide underground electricity and telephone service and wiring for future street lighting. The developer must also provide such present street lighting, gas lines, and cable television or other data transmission lines as may be required by the City Public Works Director.
- (b) Obtain all necessary permits for the placement of all underground utilities.
- (c) Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with the rules and regulations of the Public Utility Commission of the State of Oregon.
- (d) All underground utilities, sewer lines, and storm drains installed in streets must be constructed prior to the surfacing of such streets to the extent practicable, and sewer lines must be placed to such lengths as will obviate the necessity for disturbing the street improvements when service connections are made.
- (e) Utilities must be installed prior to paving or other surface improvements.

**FINDING:** As shown on the tentative plans, the proposal includes extending utilities underground. The applicant has worked with all utility providers, has provided will serve letters, and will continue to work with providers to ensure easements are provided and recorded where needed. Any needed easements will be recorded prior to final plat. As proposed the design conforms to these standards.

**(2) *Utility Easements.*** Easements must be provided along property lines when necessary for the placement of utilities. Such easements must be “public utility easements” and must be marked as such on a final plat or any instrument dedicating such easements. Unless otherwise approved by the Public Works Director, utility easements must be at least 12 feet in width and centered on lot lines where possible.

**FINDING:** A public utility easement is proposed along the property line adjacent to the new local street. The proposed PUE is 12 feet in width and will be shown on and recorded with the final plat.

**(3) *Deferred Development.*** Locating or relocating utility installations underground for any development may be deferred when, in the discretion of the Public Works Director, impacts on existing utilities, timing of utility projects, or other considerations make deferral advantageous. Any

such deferral must be memorialized in an instrument recorded against the property. [Ord. 933 § 4.5, 2019.]

**FINDING:** There is no deferred development proposed. This criteria does not apply.

**18.20.060 Street trees.**

**(1) Purpose.** This section sets standards and requirements for planting trees along all streets for shading, comfort, safety, and aesthetic purposes and is intended to implement the City of Madras Urban Forestry Plan. Requirements for street tree planting and tree wells are provided herein. Planting along unimproved streets must be deferred until after the construction of curbs and sidewalks. Such deferrals must be secured with a bond or cash deposit acceptable to the City. Street trees must conform to the following standards and guidelines:

(a) Street trees must be selected from the following list of preferred trees or of a species approved by the City Public Works Director:

- Cherry (Japanese Flowering)
- Crab Apple (Pink, Red, White)
- Golden-Raintree
- Hawthorn (English, Lavalley, Washington)
- Pear, Flowering
- Plum, Flowering Purple
- Redbud, Eastern
- Ash (Green, White)
- Birch, River
- Catalpa, Northern
- Ginkgo
- Hackberry, Common
- Honeylocust, Common Thornless
- Linden (American, Crimean, Littleleaf)
- Maple (Crimson King, Schwedler, Emerald Queen, Sugar)
- Pagoda Tree, Japanese
- Sweetgum, American
- Beech (American, European)
- Kentucky Coffeetree
- Oak (Bur, Pin, Red, Scarlet, White)
- Planetree, London

(b) All trees must have at least a one-inch caliper trunk and must be planted in accordance with City specifications.

(c) Trees must be spaced 30 to 40 feet apart or as recommended by the Public Works Director and must be planted no closer than 35 feet from any intersection.

(d) Street trees must be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees must be planted no closer to the curb or sidewalk than three feet, medium trees – three feet, and large trees – four feet. Root barriers may be required with street tree planting to protect the City's curbs and sidewalks.

(e) The placement of street trees may be waived if the Public Works Director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, or public or private utilities.

(f) For land divisions, the Public Works Director may defer the planting of street trees until physical development of the site where anticipated development may result in street trees being damaged or having to be replaced.

(g) All street trees must be maintained in a healthy and aesthetically pleasing manner. Any tree that dies or becomes diseased must be removed and replaced with a healthy tree within a reasonable time period of noticing that a tree needs to be removed. [Ord. 933 § 4.6, 2019.]

**FINDING:** All street trees will be installed and maintained in accordance with these standards.

**18.20.070 General provisions.**

(1) **Street Lighting.** The developer must provide street lighting with underground wiring to the standards set forth in the design and construction standards.

**FINDING:** Street lighting will be provided as required by the design and construction standards.

(2) **Fire Hazards.** The Fire Marshal must approve the placement of fire hydrants or other firefighting apparatus, and the points of access to the subdivision to provide the residents adequate fire safety and assured access for emergency vehicles and ease resident evacuation.

**FINDING:** A new fire hydrant is proposed on the cul-de-sac. Detailed design will be provided with a subsequent engineering plan review for the site infrastructure.

(3) **Water/Sewer.** All development must provide water and sewer lines “to and through” the proposed development, be constructed to the design and construction standards, and approved by the City Public Works Director. All lots must be served from the City of Madras water system or by water systems acceptable to the City. Water mains and service lines must be installed prior to the curbing and paving of new streets. [Ord. 933 § 4.7, 2019.]

**FINDING:** Water and sewer mains are proposed to be extended into the site from NE Oak Street and will terminate in the proposed cul-de-sac. The surrounding properties are developed and preclude the ability and need to extend “to and through”.

**18.20.080 Grading and drainage.**

(1) **Grading.** Except with the approval of the Public Works Director, grading or clearing is not permitted prior to receipt of land use approval. All grading must be performed to the standards set forth in the design and construction standards including, without limitation, requirements for dust abatement and noxious weed prevention.

**FINDING:** The applicant understands that grading and clearing are not permitted prior to land use approval. Dust control will be addressed on the site engineering plans for infrastructure and grading.

**(2) *Drainage.*** Unless otherwise approved by the Public Works Director, all drainage must be managed on site. All development requiring grading must submit a stormwater management plan prepared by a licensed engineer demonstrating how the development will comply with the design and construction standards.

**FINDING:** Runoff from lots will be retained on the site to the greatest extent possible per City Requirements. Stormwater in the proposed local street will be collected in catch basins and conveyed to sediment manholes and drywells.

**(3) *Watercourse.*** If a development is traversed by a watercourse, such as a drainage way, channel, or stream, the developer must dedicate a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse or in such further width as will be adequate for the purpose as determined by the Public Works Director. Streets or parkways parallel to major watercourses and drainage ways may be required. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 933 § 4.8, 2019.]

**FINDING:** There are no existing water courses on the project site. This criteria does not apply.

**18.20.090 Special setbacks.**

**(1)** If special building setback lines are to be established as part of a development, they must be shown on the tentative plan or other submittal document and memorialized on the final plat or in other deed restrictions satisfactory to the City.

**FINDING:** No special setbacks are required or proposed. This criteria does not apply.

**(2)** If development is proposed along a street with substandard right-of-way, development on the subject property must be set back a distance from the centerline of the right-of-way equal to one-half (1/2) of the applicable minimum right-of-way width based on street classification as identified in the Transportation System Plan, plus the applicable setback for the zone in which the subject property is located. [Ord. 933 § 4.9, 2019.]

**FINDING:** The only street frontage is along NE Oak Street, which has a standard right-of-way width and is fully improved aside from a missing section of sidewalk along the project site. The missing sidewalk will be installed as part of this project.

**18.20.100 Improvement procedures.**

In addition to other requirements, improvements to be installed by the applicant, either as a requirement of this Development Code or other applicable regulations, or at the election of the applicant, must conform to the requirements of this section.

**(1) *Plan Review and Approval.*** Improvement work must not be commenced until plans have been reviewed by the Subdivision Committee established pursuant to MDC [18.60.040](#). To the extent necessary for evaluation of a proposed development, such improvement plans may be required before land use approval.

**(2) *Improvements as Approved.*** Improvements must be designed, installed, and constructed as approved.

**FINDING:** The applicant understands that improvements must be installed and constructed as approved.

**(3) *Improvement Plans.*** Plans and maps stamped by a licensed engineer showing public improvements must be filed with the City Public Works Department prior to commencing the work.

**(4) *Inspection.*** Improvements must be constructed under the inspection and approval of the Public Works Director. The Public Works Director may accept certification of a registered professional engineer consistent with ORS [92.097](#). Expenses incurred shall be borne by the applicant.

**(5) *As-Built.*** “As-built” drawings stamped by a licensed engineer must be filed with the City upon completion of the public improvements. [Ord. 933 § 4.10, 2019.]

**FINDING:** As-built drawings will be provided by the Engineer of Record upon project completion and City acceptance of infrastructure.

**18.20.110 Acceptance of improvements.**

Improvements must be considered for acceptance after inspection by the City Public Works Department at the time the improvements are constructed. [Ord. 933 § 4.11, 2019.]

**FINDING:** The applicant understands that improvements must be inspected and accepted by the City upon completion and prior to plat recording.

**18.20.120 Public park dedication/park fund.**

All subdivisions must comply with the following standards:

**(1)** All subdivisions must dedicate at least eight percent (8%) of the gross area of the property proposed to be subdivided to the City of Madras for public parks, open space, trails, and other recreational purposes.

**(2)** The Public Works Director will determine the manner in which the property is dedicated or conveyed to the City including, without limitation, the form of the instrument and the timing of the dedication or conveyance.

**(3)** Property dedicated to the City for public parks, open space, trails, and other recreational purposes should be located to ensure maximum access, visibility, use, reduce maintenance needs, to maintain public safety, and minimize adverse impacts to neighboring residents and must otherwise:

**(a)** Be consistent with the provisions of the City of Madras Parks and Open Space Master Plan;

**(b)** Front at least two public streets;

**(c)** Be located on a part of the site that can reasonably be developed with public parks, open space, trails, and other recreational purposes as determined by the Public Works Director considering: slope, topography, watercourses, drainage facilities, rock outcroppings, underground and overhead utility services, easements and encumbrances, availability of domestic water and sewer service, and proximity to existing or planned streets; and

**(d)** Comply with the City’s Transportation System Plan, Trails Plan, and Safe Routes to School Plan standards and specifications for trail improvements.

**FINDING:** The project site does not contain an area suitable to the criteria listed above. The applicant understands that a fee-in-lieu may be required in place of a land dedication for public parks.



(4) Trails crossing public right-of-way used for vehicular transportation (i.e., road crossings) must comply with standards specified in the City's Transportation System Plan, Trails Plan, Safe Routes to School Plan and Americans with Disabilities Act (ADA) including, without limitation, location, sight distances, and construction specifications.

**FINDING:** There are no trail crossings in close proximity to this site. This criteria does not apply.

(5) The Public Works Director, in his or her sole discretion, may allow a payment in lieu for all or a part of the required dedication of property to the City of Madras for public parks, trails, and recreational purposes. If a developer is permitted to pay fees to the City of Madras in lieu of dedicating property, the fees must be equal to eight percent (8%), or a proportionately lesser amount if a partial dedication/partial fee in lieu is approved, of the real market value (RMV) of the property proposed to be subdivided. The RMV of the property shall be established from the most recent tax assessment for the property proposed to be subdivided by the Jefferson County Assessor.

(6) *Expenditure of Funds.* Funds collected from a developer in lieu of dedicating public park, trail, and recreation land shall be credited to a park acquisition and development fund and must be deposited with the City Finance Director prior to the final plat of the subdivision (for multi-phase subdivisions, prior to phase 1 final plat approval). Such funds may be expended only on order of the City Council for the purpose of acquiring, developing, or maintaining existing land for parks, trail, or recreational purposes. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 4.12, 2019.]

**FINDING:** The applicant understands that a fee-in-lieu may be required in place of a land dedication for public parks.

**18.20.130 Waiver, modification, and deferral of public improvement standards.**

(1) *Authority to Grant Waiver, Modification, or Deferral.* Waivers, modifications, and/or deferrals of the standards of this chapter and/or the design and construction standards may be granted as part of a development approval only if the criteria of subsection (2) of this section are met.

(2) *Criteria.* The Public Works Director may waive, modify, or defer any requirement of the Public Improvement Standards and/or the design and construction standards if the Public Works Director finds that: (1) the waiver or modification will not harm or will be beneficial to the public in general; (2) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of ensuring adequate public facilities; and (3) one or more of the following conditions are met:

- (a) The modification or waiver is necessary to eliminate or reduce impacts on existing drainage patterns or natural features such as riparian areas, significant trees or vegetation, or steep slopes.
- (b) An existing structure, such as a substantial retaining wall, makes widening a street or right-of-way or required placement of lines impractical or undesirable.
- (c) Street access to an existing lot would be eliminated without the waiver or modification.
- (d) Building on an existing lot would be infeasible without the waiver or modification.
- (e) The standard is a street or right-of-way standard and existing structures on the same side of the block make future widening of the remainder of the street or right-of-way unlikely and the additional width on the development site would not be beneficial for sidewalks or parking without the extension for the rest of the block.
- (f) The modification or waiver is needed to allow development of, or street access to, the property because of topographical constraints.

- (g) The existing infrastructure: (i) does not meet current standards; (ii) is and will remain functionally equivalent to current standards; and (iii) there is little likelihood that current standards will be met in the area.
- (h) The installation of the required improvements would likely cause unacceptable significant adverse environmental impacts and the waiver/modification would avoid such impacts.
- (i) There is insufficient right-of-way to allow a full width street cross-section and additional right-of-way cannot be provided.
- (j) There is no street or right-of-way adjacent to the property and easement access has been obtained across private property.
- (k) Required street frontage improvements for individual single-family dwellings could best be accomplished by planned area-wide improvements at a future date.
- (l) The City has conflicting or inconsistent standards and the proposal would comply with one set of adopted standards. Standards are conflicting or inconsistent only when it is not possible to comply with both. In most situations, the more recently adopted standard should be followed and the older standard may be waived.
- (m) There is a readily identifiable future project in which the required improvements or other obligation of the developer under the Public Improvement Standards will be satisfied and deferral to the future project will not unduly burden the ability to serve the subject property or adjoining properties with public facilities.
- (n) Maximization of the number of lots or parcels in a land division is not a reason to allow a waiver or modification.

**FINDING:** No waivers are requested with this application. This criteria does not apply.

**(3) *Other Requirements Not Waived.*** Any waivers under this section do not exempt the developer from submitting plans that meet all other applicable specifications.

**FINDING:** No waivers are requested with this application. This criteria does not apply.

**(4) *Application Requirements.*** The application for a waiver, modification, or deferral must be in writing submitted as part of a development application and shall be subject to applicable fees established by the City Council. The application must specify which requirement(s) of this chapter and/or the design and construction standards are at issue and which of the condition(s) listed above are met. The application must contain a statement explaining why the deviation from the required standards is necessary and why the waiver or modification sought will not harm or will be beneficial to the general public.

**(5) *Conditions.*** The City may impose any condition of approval necessary to satisfy the purposes of this chapter, including, without limitation, requiring a signed agreement not to remonstrate against the formation of a local improvement district. [Ord. 933 § 4.13, 2019.]

**18.20.140 Improvement agreement.**

**(1)** A developer may, in lieu of constructing required public improvements, request the City Administrator to approve an agreement between himself and the City specifying the schedule by which the required improvements and repairs must be completed; provided, however, any schedule of improvements agreed to must not exceed three years from the date the approval establishing the required improvements becomes final. The agreement must also provide the following information:

- (a) A list of all the contractors who will construct or complete the improvements and repairs required, and the cost of the project.

- (b) That developer must post a performance bond or other security acceptable to the City and that the City may call upon the security filed to construct or complete the improvements and repairs if the schedule of improvements is not adhered to.
- (c) That the City shall recover the full cost and expense of any work performed by the City to complete construction of the improvements and repairs, including, but not limited to, attorneys' and engineering fees.
- (d) That a warranty bond for one year must be deposited with the City following acceptance of the improvements. Said bond must be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director.
- (e) A waiver of remonstrance against formation of a local improvement district if the required improvements are not timely completed.
- (f) Such other provisions as deemed appropriate by the City.

(2) The City Administrator may reject an agreement authorized by this section for any reason the Administrator deems sufficient. [Ord. 933 § 4.14, 2019.]

**18.20.150 Bond, cash deposit or guarantee.**

(1) If the City Administrator allows a developer to enter into an improvement agreement in lieu of completing required improvements, the developer must file one of the following to assure full and faithful performance under the improvement agreement:

- (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney;
- (b) A cash deposit in a City account at an approved lending institution; or
- (c) Other security satisfactory to the City.

(2) The value of the security provided by the developer must be for one hundred twenty percent (120%) of the cost of the improvements and repairs as determined by the Public Works Director.

(3) If the developer fails to carry out the provisions of the agreement, the City may call upon the bond, cash deposit, or other security to finance any cost or expenses resulting from said failure. The City may also elect to form a local improvement district to lien the properties in accordance with the relevant provisions of Oregon State Law and Madras City Code. If the amount of the deposit or bond exceeds the cost and expense incurred by completing the improvements, the City shall release the remainder. If the amount of the deposit or bond is less than the cost and expense incurred by the City for the improvements and repairs, the developer is liable to the City for the difference. [Ord. 933 § 4.15, 2019.]

**FINDING:** The developer understands that if an improvement agreement is put in place in lieu of completed required improvements, a bond or other financial security will be required.

**18.20.160 Street dedications.**

Any person desiring to create a street that is not part of a subdivision or partition must make written application to the City Public Works Department. Said application must be accompanied by the required information and appropriate filing fee. [Ord. 933 § 4.16, 2019.]

**18.20.170 Minimum design standards.**

The minimum standards of design and improvements for the dedication of a street shall be the same as set forth in the design and construction standards and must be in compliance with other applicable street standard regulations. [Ord. 933 § 4.17, 2019.]

**Chapter 18.25  
SUPPLEMENTARY PROVISIONS**

**18.25.090 Vision clearance.**

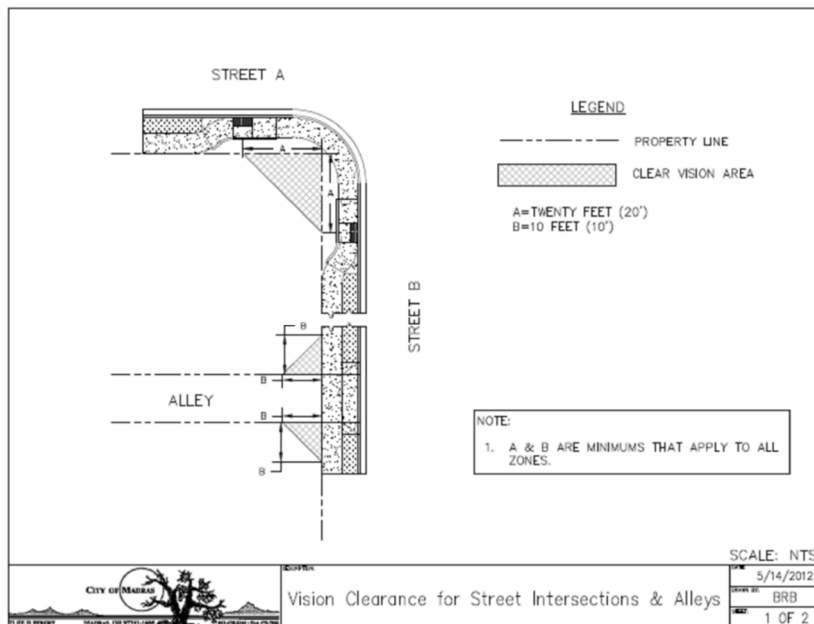
Vision clearance must be maintained in all zoning districts. The size of the vision clearance area is described below and shown in MDC Figure 18.25.090-1:

(1) The minimum distance is 20 feet at intersections comprised of two streets or one street and a railroad right-of-way.

(a) *Exception.* This standard does not apply to the Downtown Commercial Zone (C2).

(2) At intersections of commercial/industrial access, the minimum distance is 15 feet.

(3) At intersections including an alley, the minimum distance is 10 feet.



**Figure 18.25.090-1. Vision Clearance Diagram**

**FINDING:** Clear vision areas are shown on the site plan included with this application and are free from visual obstructions. This standard has been met.

**18.25.160 Outdoor lighting standards.**

(1) *Purpose.* The purpose of the outdoor lighting standards is to allow reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; and help protect the natural environment from the damaging effects of night lighting.

**(2) Outdoor Lighting Standards.**

- (a) Outdoor lighting, including that for signage, must not project directly into an abutting lot.
- (b) Unless necessary for safe and convenient air travel, outdoor lighting must not project directly into the airport runway, taxiway, or approach safety zone.
- (c) All outdoor lighting must be shielded such that the source of light, or light reflective or amplifying device, is not visible from adjacent properties or right-of-way.
- (d) Outdoor lighting shall not blink, strobe, move, or rotate unless required by the FAA.
- (e) Unless otherwise provided in the Development Code, lighted poles must not exceed 20 feet in height.
- (f) Wiring for monument signs and similar permanent lighting installations must be underground or otherwise not visible.
- (g) All street lighting must comply with the design and construction standards. [Ord. 933 § 5.16, 2019.]

**FINDING:** Individual residential buildings will have outdoor lighting, which will be reviewed with future building permit applications.

**18.25.170 Landscaping standards.**

**(1) General Standards.** Unless otherwise specified for a specific use or zone in this Development Code, the minimum amount of landscaping is established by zone as follows:

<b>R-1:</b>	<b>15%</b>
<b>R-2:</b>	<b>15%</b>
<b>R-3:</b>	<b>15%</b>
<b>C-1:</b>	<b>15%</b>
<b>C-2:</b>	<b>10% of off-street parking area</b>
<b>C-3:</b>	<b>15% of off-street parking area</b>
<b>NC:</b>	<b>15%</b>
<b>I:</b>	<b>10%</b>
<b>MUE:</b>	<b>15%</b>
<b>OS/PF:</b>	<b>25%</b>
<b>AD:</b>	<b>10%</b>
<b>MO:</b>	<b>15%</b>
<b>CPUD:</b>	<b>15%</b>

**(2) Specific Standards.** Landscaping shall comply with the following standards:

- (a) **Plant Selection.** Native vegetation shall be preserved or planted where practical. A combination of live nonnative deciduous and evergreen trees, shrubs and ground covers, including lawn, shall be used for all planted areas. Drought-tolerant plantings are encouraged. Fire-resistive plants should be planted in areas or on slopes where necessary to reduce the risk of

fire spreading to structures. As necessary, soils shall be amended to allow for healthy plant growth.

(b) *Hardscape Features.* Ground-level areas for passive use, such as patios, decks, plazas, paved dining areas, etc., may cover up to fifteen percent (15%) of required landscaping area; swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscaping requirement.

(c) *Stormwater Facilities.* Stormwater facilities (e.g., detention/retention ponds and swales) that are landscaped can be counted in the required amount of landscaped area on the site. Planting of broadleaf canopy trees is encouraged as effective surface water interceptors.

(d) In the R-1, R-2, and R-3 zones, at least fifty percent (50%) of the required landscaping must be located in the front yard setback or otherwise between the structure and the front property line.

(e) Landscaped areas must be appropriately irrigated. Xeriscaping may be unirrigated at the discretion of the Community Development Director.

(f) Required landscaping must be continuously maintained. Plants or trees that die or are damaged must be replaced and maintained similar to initially installed landscaping.

(g) Surface drainage must be managed in accordance with the Public Improvement Standards.

(h) Ground-level areas for passive use, such as patios, decks, etc., may cover up to fifteen percent (15%) of the required landscaping area; swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

(a) *New Construction.* Landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up security in an amount established by the City's fee schedule to the Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the Finance Department shall release the bond back to the developer. The developer has one year from the date of final inspection to complete landscaping the lot.

**FINDING:** Landscaping will be installed with each residential building as reviewed and approved with each future building permit submittal. Landscaped areas will include the front and side portions of the homes as well as along the proposed local street. All new landscaping will be properly irrigated and maintained in accordance with these standards.

#### **18.25.180 Transportation impact studies.**

##### **(1) *Applicability.***

(a) A transportation impact analysis shall be required under the following circumstances:

(i) The development generates fifty (50) or more peak hour trips or five hundred (500) or more daily trips.

(ii) An access spacing exception is required for the site access driveway(s) or access is proposed from an arterial or collector street.

- (iii) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
- (iv) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high accident locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.
- (v) Otherwise as determined by the Public Works Director.

**FINDING:** A Trip Generation Statement has been provided with this application to analyze the number of trips expected to be created with the proposed development. At full buildout (39 units) the project will create up to 246 Average Daily Trips and 20 PM Peak Hour trips. Both of these are below the thresholds that require a Traffic Impact Study.

**Chapter 18.30  
SPECIAL STANDARDS FOR CERTAIN USES**

**18.30.190 Residential design standards.**

(1) *Purpose.* The residential design standards are intended to facilitate the development of attractive housing while promoting multi-modal transportation, attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

(2) *Aspirational Provisions.* The following are not approval criteria but aspirations for residential development with the City. Developers are encouraged to design their developments to achieve the following:

(a) *Livability.* Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, providing housing in close proximity to existing commercial uses, and providing public and private open spaces for outdoor use.

(b) *Compatibility.* Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Madras while being sensitive to the natural topography and significant natural features.

(c) *Safety and Functionality.* Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety and is well integrated into the city's overall circulation system.

(3) *Applicability.*

(a) *Applicability for New Construction.* Residential design standards apply to new construction of all forms of dwellings but are not uniformly applied to each type of dwelling unit or type of site development. Applicability (or nonapplicability) of specific residential design standards to specific dwelling types is set forth in MDC Table 18.30.190-1. Additional design standards for townhouses and cottage clusters can be found in MDC [18.30.191](#) and [18.30.192](#).



**Table 18.30.190-1. Applicability of Residential Design Standards by Housing Type in R-1, R-2, R-3, C-1, C-2, and C-3 Zones**

Design Standard	Applicability				
	1 – 4 units (attached or detached)	Cottage Clusters	Townhouses	Apartments	Mixed-Use Building or Development
(a) Articulation	[2]	[2]	[2]	[2]	[10]
(b) Transparency	[2] [3]	[2] [3]	[2] [3]	[2]	[10]
(c) Main entrance	[2] [3]	[2] [3]	[2] [3]	N/A	[10]
(d) Detailed design	[2]	[2] [3]	[2] [3]	[2] [7]	[10]
(e) Transitional space	[2] [7]	[2] [7]	[2] [7]	[2] [7]	[10]
(f) Common area	[11]	[8]	[1] [11]	[9] [11]	[11]
(g) Pedestrian circulation	[1] [5]	[1] [5]	[2] [7]	[1]	[1]
(h) Off-street parking	[1]	[1] [4]	[1] [4]	[1] [4]	[1] [4]
(i) Privacy and screening	N/A	[1]	[1]	[1]	[1]
(j) Storage	[6]	[6]	[6]	[6]	[6]
(k) Trash enclosures	[12]	[1]	[1]	[1]	[1]

**Table 18.30.190-1 Legend:**

- 1 Applicable to the entire site.
- 2 Applicable to dwellings facing the street; apartments must meet these standards for all ground floor units.
- 3 Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path.
- 4 Clustered parking requirements apply for lots with four or more parking spaces.
- 5 Applicable only for additions or new buildings.
- 6 Applicable only for new buildings.
- 7 Applicable to ground floor dwellings with access from the street or shared open space (e.g., a common open space), and access entry door is:
  - (a) Within ten feet of the street-facing property line; or
  - (b) Within the front yard setback; or
  - (c) Within ten feet of a shared open space common tract or easement.
 Apartments must meet these standards for all building façades facing a shared open space.
- 8 See special standards for common courtyards in MDC [18.30.192](#).
- 9 Only applicable to dwellings in residential zones.
- 10 Only applicable if residential portion of mixed-use building/development faces the street.

11 All residential development in the C-2 and C-3 zones other than cottage cluster developments must provide 50 square feet per dwelling unit for passive use, such as patios (ground level or rooftop), decks, balconies, etc.

12 Not applicable to residential developments with three or fewer dwelling units on a particular lot.

(c) *Waivers or Modifications.* The Community Development Director may waive or modify any residential design standard if the Community Development Director finds that: (i) the waiver or modification will not harm or will be beneficial to the public in general; and (ii) the waiver or modification is not inconsistent with the general purpose, or any City plans or policies, of promoting attractive housing stock. The application for a waiver, modification, or deferral must be in writing submitted as part of a development application, shall be subject to applicable fees established by the City Council, and shall require that the application be subject to a Type II procedure if not already subject to a Type II or higher procedure. The application must specify the nature of the requested waiver or modification and how the criteria listed above are met. The Community Development Director may impose any condition of approval necessary to satisfy the purposes of this section, including, without limitation, requiring that the developer exceed one particular standard in lieu of meeting another particular standard.

(4) *Residential Design Standards.* All development subject to subsection (3) of this section shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

(a) *Articulation.* All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows:

(i) For buildings with 30 to 60 feet in length that faces the street, a minimum of one of the following elements shall be provided along the street-facing façades:

(A) A covered porch at least five feet deep.

(B) A balcony that is at least two feet deep and is accessible from an interior room.

(C) A bay window that extends at least two feet wide.

(D) A section of the façade that is recessed by at least two feet deep and six feet long.

(E) A gabled dormer.

(ii) For buildings over 60 feet in length that faces a street, at least one element in subsection (4)(a)(i) of this section shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.

(iii) For dwellings with less than 30 feet in length that faces a street, a covered porch at least five feet deep is required.

(b) *Transparency.* At least fifteen percent (15%) of the area of each street-facing façade must be windows or entrance doors.

(i) Windows and/or doors (not including garage doors) utilizing clear glass and entry doors of any material may be used to meet this standard.

(ii) Roof area shall not count toward total street-facing façade area but wall area above wall headers (e.g., gable ends and dormers) shall count.

(iii) Entry doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

(iv) Half of the total window area in the door(s) of an attached garage counts toward the transparency standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

Figure 18.30.190(1). Transparency Standard Illustration



(c) **Main Entrance.** At least one main entrance must meet both of the following standards:

- (i) Be no further than eight feet behind the longest street-facing wall of the building.
  - (ii) Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch.
- If the entrance opens up onto a porch, the porch must meet all of these additional standards:

- (A) Be at least 25 square feet in area with a minimum four-foot depth.
- (B) Have at least one porch entry facing the street.
- (C) Have a roof that is no more than 12 feet above the floor of the porch.
- (D) Have a roof that covers at least 30% of the porch area.

Figure 18.30.190(2). Main Entrance Facing the Street

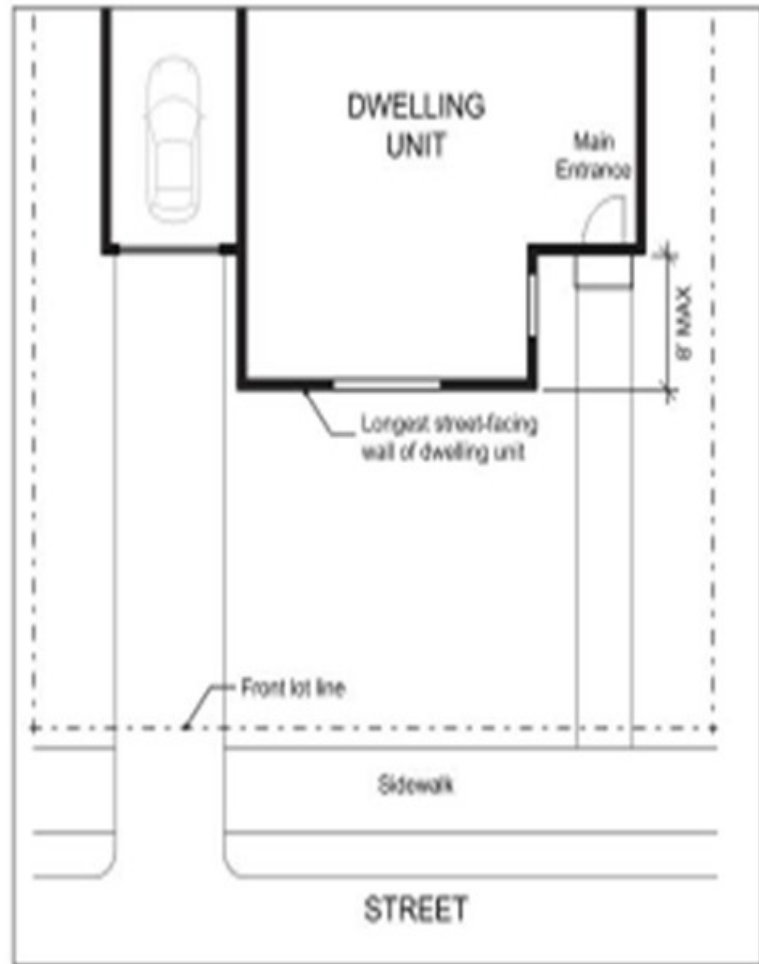
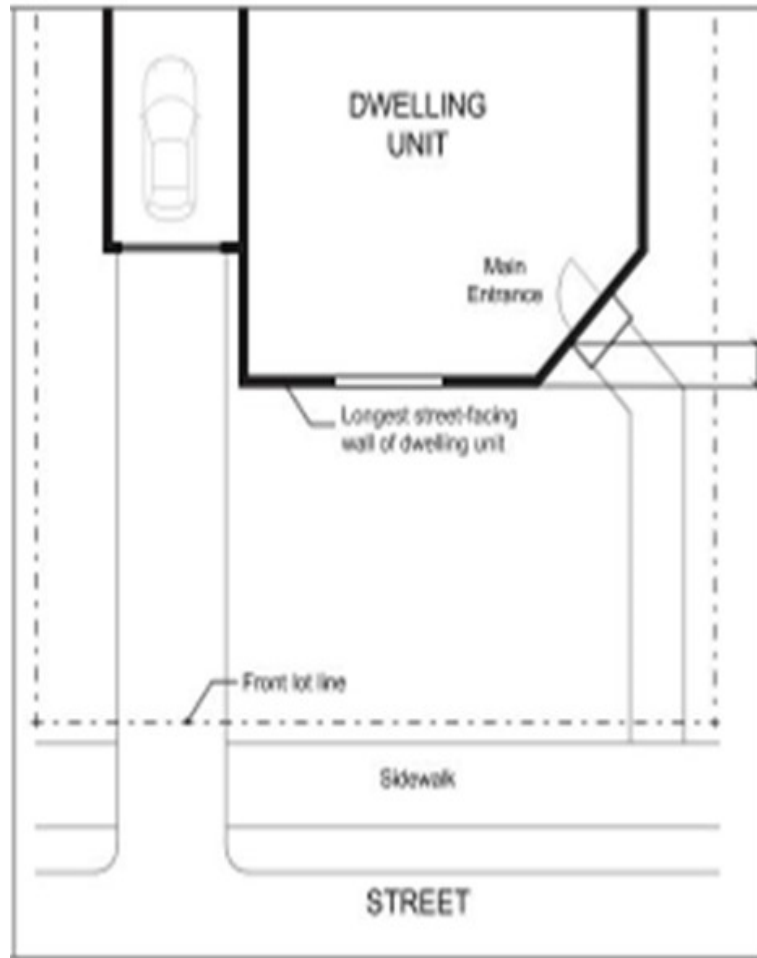
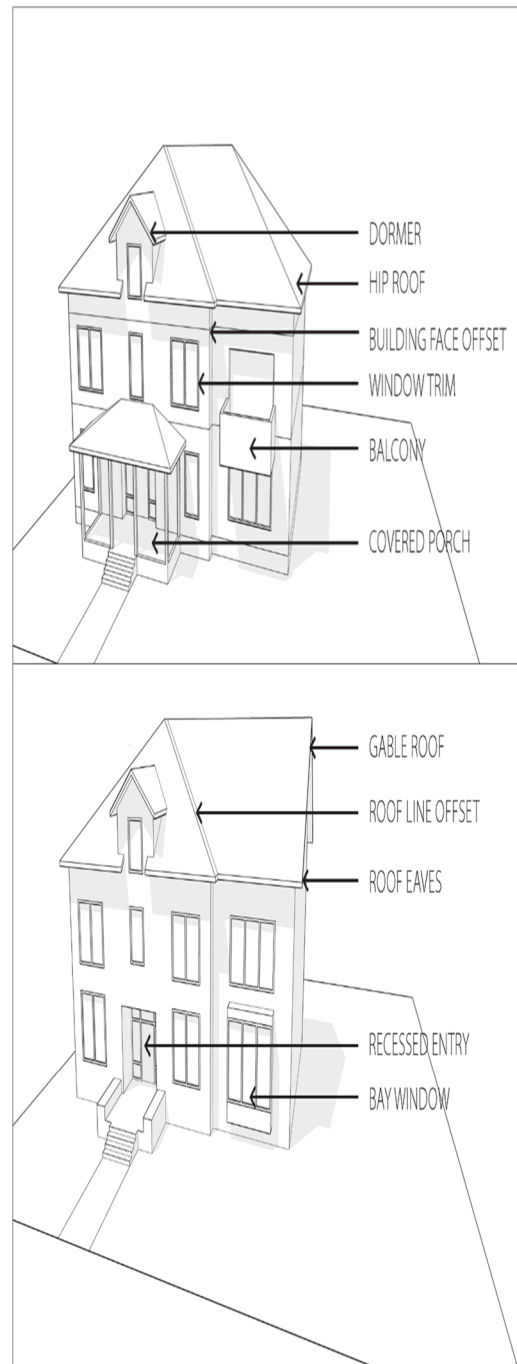


Figure 18.30.190(3). Main Entrance at 45-Degree Angle From the Street



(d) *Detailed Design.* All buildings containing dwellings shall include at least five of the following features on any street-facing façade. See MDC Figures 18.30.190(4) and 18.30.190(5) for illustration of this standard.

**Figure 18.30.190(4). Detailed Design and Building Articulation, One to Four Units**



**(i) Covered porch at least five feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least five feet wide.**

- (ii) Recessed entry area at least two feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.
- (iii) Offset on the building face of at least 16 inches from one exterior wall surface to the other.
- (iv) Dormer that is at least four feet wide and integrated into the roof form.
- (v) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
- (vi) Roof line offsets of at least two feet from the top surface of one roof to the top surface of the other.
- (vii) Tile or wood shingle roofs.
- (viii) Horizontal lap siding between three to seven inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- (ix) Brick, cedar shingles, stucco, or other similar decorative materials covering at least thirty percent (30%) of the street-facing façade.
- (x) Gable roof, hip roof, or gambrel roof design.
- (xi) Window trim around all windows at least three inches wide and five-eighths (5/8) inch deep.
- (xii) Window recesses, in all windows, of at least three inches as measured horizontally from the face of the building façade.
- (xiii) Balcony that is at least three feet deep, five feet wide, and accessible from an interior room. For townhouses, a balcony must be at least two feet deep and four feet wide.
- (xiv) One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- (xv) Bay window at least two feet deep and five feet long. For townhouses, bay windows must be at least two feet deep by four feet wide.
- (xvi) Balconies and bay windows for townhouses may encroach into the required setback area.

**(j) Storage.**

- (i) All dwellings except for dwellings within mixed-used buildings and apartments must provide a minimum of 24 square feet of storage per each unit. Storage must be individually assigned to each dwelling unit and located in garages, exterior accessible closets or attached storage units, or detached storage units within 200 feet from each unit.
- (ii) Dwellings within mixed-used buildings and apartments may either comply with subsection [\(4\)\(j\)\(i\)](#) of this section, provide 24 square feet of storage within each dwelling unit in closets other than bedroom closets, or some combination of the foregoing two options that amounts to 24 square feet of storage in total.
- (iii) Only storage areas with six feet or more of vertical clearance shall count toward the minimum storage requirements.
- (iv) Only garage space in excess of 150 square feet may be applied towards storage requirements.

**(k) Trash Enclosures.** Any residential development of three or more dwelling units (including any townhome or cluster development of three or more dwelling units) must provide an enclosure for storage of trash and recycling bins or dumpsters. The trash enclosure may either be at a centralized location or incorporated into the design of each dwelling unit. Trash enclosures must use the same color and materials as the dwelling units on the site. Trash collection bins or carts must be approved by the collection company. The trash enclosures and service areas are subject



to the same setback standards from all public or private streets as the dwellings on the site. [Ord. 968 § 2.5 (Exh. E), 2022; Ord. 945 § 2 (Exh. B), 2020.]

**FINDING:** No buildings are proposed with this land use application. Residential design standards, storage and trash enclosures will be addressed and reviewed at the time of building permit.

#### Chapter 18.55

##### MASTER PLANNED DEVELOPMENTS

###### 18.55.010 Master planned development approval process.

(1) *General.* The approval and implementation of a master planned development generally consists of three steps, any of which may be pursued concurrently or consecutively. The first step is approval of the master development plan. The second step is the implementation of the master development plan through the land division review process. The third step is site plan or similar development and design review as applicable under MDC [18.40.020](#). The applicability of these steps and the extent of the review will depend on the nature of the master planned development proposed.

(2) *Applicability.* Unless the site is fully site plan approved for a single use, a master development plan is required prior to dividing or otherwise developing any site five acres or greater for nonresidential and mixed-use developments, 10 acres or greater for residential developments, or any development proposing twelve (12) or more townhomes. Notwithstanding the foregoing, larger sites may be divided; provided, that all resulting lots or parcels are at least 10 acres in size or greater and a deed restriction is recorded requiring a master plan prior to further division of the resulting parcels. In addition, a developer may voluntarily seek a master development plan for any property or group of contiguous properties two acres in size or greater or any development containing townhomes.

**FINDING:** A master development plan is not required or proposed for this project. This criteria does not apply.

#### Chapter 18.60

##### LAND DIVISIONS, REPLATS, AND PROPERTY LINE ADJUSTMENTS

###### 18.60.020 Applicability.

Units of land shall only be created or reconfigured in conformance with the standards of this chapter and ORS Chapter [92](#). No person may subdivide, partition, or reconfigure land within the City of Madras except in accordance with ORS Chapter [92](#) and the provisions of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.2, 2019.]

**FINDING:** This section is a Purpose Statement and it does not contain any measurable approval criteria or development standards.

###### 18.60.030 Delegation.

The City Council, pursuant to ORS 92.044(2), hereby delegates to the Planning Commission the power to take final action on a proposed subdivision and any major replat involving fifty (50) or more lots pursuant to the Type III procedures and to the Community Development Director the power to take final action on any subdivision, partition, major replat, minor replat, or property line adjustment involving fewer than fifty (50) lots pursuant to the Type II procedures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.3, 2019.]

**FINDING:** The proposed development is for ten lots. This standard does not apply.

**18.60.050 Pre-application meeting.**

Prior to submitting a tentative plan for a land division, each applicant or their representative is encouraged to meet with the Community Development Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of this Development Code. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.5, 2019.]

**FINDING:** A pre-application meeting was held with City staff on September 22<sup>nd</sup>, 2022.

**18.60.060 Application submission.**

Any person, or his authorized agent or representative, proposing a subdivision, partition, or replat shall file an application and the filing fee for the applicable approval, along with a tentative plan, improvement plans, and other supplementary materials as may be required by this chapter or requested by the Subdivision Committee. If any concurrent approvals are sought, the applications for the concurrent approvals will collectively be processed using the highest level procedures for any particular application (i.e., Type II decisions sought concurrently with Type III decisions will be processed as Type III decisions) and shall also include all required information and materials for the applicable concurrent approval. The applicant must either provide electronic copies or submit four paper copies of all application materials to the Community Development Director. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.6, 2019.]

**FINDING:** The subdivision application form is signed by the property owner and included with this submittal. All applicable fees will be paid with the submission of this application.

**18.60.070 General approval process for land divisions.**

Land divisions generally follow a two-step approval process. First, a tentative plan is submitted for approval. After receiving tentative plan approval, and after satisfying any conditions of approval from the tentative plan approval, the applicant then files for final plat approval. After receiving final plat approval and satisfying any additional conditions of approval and any requirements of the County, the applicant can then record the plat to perfect the land division. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.7, 2019.]

**FINDING:** The applicant understands the steps required for land divisions.

**18.60.080 Informational requirements for tentative plans.**

Unless waived by the Community Development Director, the following information shall be shown on a tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided:

**(1) General Information Required.**

- (a) The proposed name of the subdivision, if applicable.
- (b) Names, addresses, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Secretary of State by the applicant.
- (c) Date of preparation, north point, scale, and gross area of the subject property.
- (d) Appropriate identification of the drawing as a tentative plan for a subdivision, partition, or replat.

- (e) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
- (f) Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract that binds the applicant in the event of tentative plan approval.

**(2) *Information Concerning Existing Conditions.***

- (a) Location, names, and widths of existing improved and unimproved streets and roads within and adjacent to the subject property.
- (b) Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.
- (c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, any natural features such as rock outcroppings, and natural hazards.
- (d) Location and direction of watercourses, and the location of areas subject to flooding.
- (e) Location, width, and use or purpose of any existing easement or right-of-way within and adjacent to the subject property.
- (f) Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the subject property together with pipe sizes, grades, and locations.
- (g) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five percent (5%) to fifteen percent (15%), 10 feet for slopes of fifteen percent (15%) to twenty percent (20%), and 20 feet for slopes greater than twenty percent (20%).
- (h) Zoning classification of land within and adjacent to the subject property.
- (i) Names and addresses of all adjoining property owners for a distance of 250 feet.

**(3) *Information Concerning Proposed Development.***

- (a) Location, names, width, typical improvements, cross-sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.
- (b) Location, width, and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.
- (c) Location of at least one temporary benchmark within the subject property's boundaries.
- (d) Location, approximate area, and dimensions of each lot/parcel, and proposed lot/parcel and block numbers.
- (e) Location, approximate area, and dimensions of any lot/parcel or area proposed for public use, the use proposed, and plans for improvements or development thereof.
- (f) Proposed use, location, approximate area, and dimensions of any lot/parcel intended for nonresidential use.
- (g) An outline of the area proposed for partial recording, if contemplated or proposed.
- (h) Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.
- (i) Description and location of any proposed community facility.
- (j) Stormwater and other drainage facility plans.
- (k) Proposed deed restrictions, including access restrictions or protective covenants if such are proposed to be utilized for the proposed development.
- (l) Statement from each utility company proposed to serve the resulting lots/parcels stating that each company is able and willing to serve the proposed development as set forth in the tentative plan, and the conditions thereof.

(m) Proposed fire protection system for the proposed development and written approval thereof by the appropriate serving fire protection agency.

(n) If grading is proposed, a separate grading and drainage plan prepared by an engineer must be submitted that must show as-developed contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five to fifteen percent (5% to 15%), 10 feet for slopes of fifteen to twenty percent (15% to 20%), and 20 feet for slopes greater than twenty percent (20%).

**FINDING:** The tentative plans included with this application contain all general information, existing conditions and information concerning proposed development as required by this section.

(o) An addressing plan for the development depicting proposed addresses and driveway locations for each proposed lot or parcel consistent with the requirements of Jefferson County Code Chapter 12.03.

**FINDING:** The tentative plan includes a name for the proposed local street, NE Stone Oak Court, for review by the County. Tentative driveway locations are shown on the Site and Utility Plan and addresses for individual lots will be assigned at the time of plat recording.

(4) *Scale.* All tentative plans shall be drawn on a sheet at a scale not greater than one inch per 400 feet. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.8, 2019.]

**FINDING:** The tentative plans include sheets at a scale of either 1"=30' or 1"=40'. This standard has been met.

#### **18.60.090 Block standards.**

To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

(1) New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Transportation System Plan and any applicable special area plan, refinement plan, master plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:

(2) Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets:

- (a) Six hundred sixty foot block length and 2,000-foot block perimeter in all residential zones;
- (b) Four hundred foot block length and 1,500-foot block perimeter in the C-2 Zone;
- (c) Six hundred sixty foot block length and 2,640-foot block perimeter for all other commercial, industrial and mixed-use zones;
- (d) An exception may be granted to the maximum block length and/or block perimeter by the decision maker if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or

other relevant factors. When an exception is granted, the decision maker may require the land division or property reconfiguration to provide blocks divided by one or more access corridors. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.9, 2019.]

**FINDING:** The properties surrounding the project site are developed and preclude the formation of blocks. The proposed project includes a new local street that extends from NE Oak Street and ends in a cul-de-sac at the north end of the property.

**18.60.100 Lot standards.**

The size, width, and orientation of lots/parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the governing zoning district, subject to the following:

**(1) Lot Sizes.** Portions of a lot with slopes in excess of twenty percent (20%) will not be counted for purposes of meeting minimum lot sizes.

**FINDING:** All proposed lots exceed the minimum lot size. However, lots containing significant topography have been oversized in order to minimize impacts to the slopes with building pads.

**(2) Frontage.** Each lot shall satisfy applicable frontage requirements established by MDC [18.20.040](#).

**FINDING:** All proposed lots meet or exceed the minimum frontage requirements. See Sheet C-3.0 Tentative Plat for details.

**(3) All side lot lines shall be at right angles to street lines or radial to curved streets.** The decision maker may grant an exception where topography, watercourses, existing streets, infrastructure, and other development preclude such lot lines.

**FINDING:** All side lot lines are at right angles street lines or radial to the curved streets, in accordance with this standard.

**(4) Through Lots.** Lots that span an entire block should be avoided except where they are essential to provide separation of residential development from major streets or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. The decision maker may require landscaping buffers or access restrictions as a condition of approval for any through lot.

**FINDING:** There are no through lots proposed. This criteria does not apply.

**(5) Solar Access.** The lines of lots and parcels must be oriented such that the long axis is in the east-west direction. The decision maker may grant a waiver, where topography, natural features, existing development or other barriers inhibit required orientation. [Ord. 968 § 2.6 (Exh. F), 2022; Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.10, 2019.]

**FINDING:** The proposed lots (with the exception of Lots 1 and 5) have the long axis in the east-west direction. Lot 1 is oversized due to the topography on the south side of the lot and the future building

will be situation closest to the northern property line. Lot 5 is a flag lot and would otherwise be oriented in the east-west direction.

**18.60.130 Approval process for tentative plan for partition or minor replat.**

**(1) The Community Development Director shall process the application under a Type II process and shall review all reports and recommendations of appropriate officials and agencies.**

**(2) The Community Development Director may approve, modify, or deny the tentative plan for the proposed development and shall set forth findings for such decision.**

**(3) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed partition or minor replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed partition or minor replat and the terms of this chapter. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.13, 2019.]**

**FINDING:** The applicant understands that tentative plat approval is binding but does not constitute final acceptance for recording.

**18.60.140 Approval criteria for a tentative plan.**

**The Planning Commission shall not approve a tentative plan for a proposed subdivision or major replat, and the Community Development Director shall not approve a tentative plan for a proposed partition or minor replat, unless the applicable review body finds that the proposal satisfies the requirements of the Development Code, the design and construction standards and the following:**

**(1) For development other than needed housing, the proposed development contributes to orderly development and land use patterns in the area and provides for the preservation of natural features and resources of the area.**

**FINDING:** The proposed application includes a design that is orderly and consistent with surrounding land use patterns. The site has also been designed with preservation of the existing slopes taken into account.

**(2) All required public facilities have adequate capacity, as determined by the City, to serve the proposed land division including, without limitation, the transportation, sewer, stormwater, and water systems.**

**FINDING:** The application materials include will serve letters from franchise utility companies (Pacific Power, Cascade Natural Gas and Bend Broadband) and the City indicated in the pre-application meeting that there is adequate sewer and water capacity to support the proposed development.

**(3) The tentative plan for the proposed development meets the applicable requirements of [ORS 92.090](#).**

**FINDING:** The tentative plan meets the applicable requirements of ORS 92.090.

**(4) The tentative plan meets the applicable provisions of this chapter.**

**FINDING:** The tentative plan meets the applicable provisions of this chapter, as demonstrated on Sheet C-3.0 Tentative Plat.

**(5) The tentative plan satisfies the Public Improvement Standards. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.14, 2019.]**

**FINDING:** The tentative plan meets the applicable provisions of this chapter, as demonstrated on Sheet C-4.0 Site and Utility Plan.

**18.60.150 Submission of final plat.**

**(1) *Filing Time Period Requirements.*** The applicant shall prepare and submit to the Community Development Department a final plat that is in conformance with the approved tentative plan. Within three years after the approval date for the tentative plan, the applicant shall submit the final plat, filing fee, and any supplementary information required by this Development Code and the decision maker. If the applicant fails to proceed with the submission of the final plat before the expiration of the three-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.

**FINDING:** The applicant understands the time periods associated with submitting the final plat for review and approval.

**(2) *Extensions.***

**(a)** If the applicant is unable to comply with the filing time requirements of the Development Code, the applicant may submit a written letter to the Community Development Director requesting an extension of the final plat deadline. The letter shall be filed no earlier than sixty (60) days and no later than ten (10) days prior to the date the three-year period expires. It shall also be accompanied by the appropriate fee.

**(b)** If there is good cause, the Community Development Director may grant an extension up to six months from the date of expiration. Good cause shall require a showing by the applicant that the delay is unavoidable and was not the result of the applicant's own negligence. The applicant must also show they have made significant progress on each condition of the tentative plan.

**(c)** Any extension granted by the Community Development Director may be conditioned by a requirement that the applicant provide appropriate guarantees that the requirements of the Development Code will be met.

**(d)** The applicant may appeal a decision of the Community Development Director to the Planning Commission pursuant to MDC [18.80.240](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.15, 2019.]

**FINDING:** The applicant understands that extensions may be granted, if needed, pursuant to the criteria listed above.

**18.60.160 Submission of final plats for phased development.**

**(1)** If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within one year of the approval date for the tentative plan.



(2) The final plats for any subsequent phase shall be filed within three years of the approved date for the tentative plan.

(3) The applicant may request an extension for any final plat under this section in the manner provided for in MDC [18.80.280](#).

(4) If the applicant fails to file a final plat within the specified time period, the tentative plan approval for those phases shall become null and void. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.16, 2019.]

**FINDING:** The proposed subdivision is not phased. This criteria does not apply.

**18.60.170 Form of final plat.**

(1) The final plat shall be submitted in the form prescribed by state statute and this Development Code.

(2) All plats and other writings or dedications made a part of such plats offered for recording, shall be made in black India ink, upon material that is 18 inches by 24 inches, suitable for binding and copying, having such characteristics of strength and permanency as may be required by the City. The plat shall be of such a scale, and the indication of the approvals thereof and of the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but a fact sheet and an index page shall be included for plats of two or more sheets. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.17, 2019.]

**18.60.180 Information on final plat.**

(1) *General Requirements.* In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the final plat:

- (a) The name of the subdivision, partition, or replat.
- (b) The name of the owner, applicant, and engineer or surveyor.
- (c) The date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.
- (d) A legal description of the tract boundaries.
- (e) Reference points of existing surveys, identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - (i) Stakes, monuments, or other evidences found on the ground and used to determine the boundaries of the development.
  - (ii) Adjoining corners of adjoining developments.
  - (iii) Other monuments found or established in making the survey or required to be installed by provisions of this Development Code.
- (f) The exact location and width of streets and easements intercepting the boundary of the tract.
- (g) Tract, block, and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearing or deflecting angles, radii, arcs, points of curvature, and tangent bearings. Normal high-water lines for any creek, bay, or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(2) **Streets.** The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

(3) **Easements.** Easements shall be noted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not on record, a statement of the easement shall be given. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the development shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(4) **Lot Numbers.** Lot numbers beginning with the number "1" and numbered consecutively in each block.

(5) **Block Numbers.** For subdivisions and major replats, block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the development. The numbers shall be placed so as not to obliterate any figures. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(6) **Public Lands.** Public lands, including strips and easements, shall be clearly marked to distinguish them from lots intended for sale.

(7) **Access Restrictions.** Limitations on rights of access to and from streets, lots/parcels, and other parcels of land shall be clearly indicated.

(8) **Area.** The area of each lot/parcel, if larger than one acre, to the nearest hundredth (1/100 or 0.01) of an acre; and the area of each lot/parcel less than one acre, to the nearest square foot.

(9) **Certificates and Signatures.** The following certificates and signatures are required and shall be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the final plat.

(b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants, and servants.

(c) A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

(d) A certificate for execution by the County Surveyor. Any plat prepared by the County Surveyor in his private capacity shall be approved by the county surveyor of another county in accordance with ORS [92.100\(2\)](#) and [\(3\)](#).

(e) A certificate for execution by the County Assessor.

(f) A certificate for execution by the County Tax Collector.

(g) A certificate for execution by the irrigation district, where applicable. All plans, plats, or replats of subdivisions or partitions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be indicated thereon by the board before City approval of such plan, plat, or replat of any subdivision or partition. Except that if the applicant is unable to obtain action or approval of any

district or company within forty-five (45) days, the applicant shall notify the manager or administrator in writing and thereafter the City shall serve notice on that district or company that any objections to the plan, plat, or replat must be filed in writing with the City within twenty (20) days. Failure of the district or company to respond shall be considered an approval of such plan, plat, or replat.

(h) The signature of the Public Works Director.

(i) The signature of the Community Development Director.

(j) A signature of approval by the City Council.

(k) Other certificates required by state regulations. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.18, 2019.]

**FINDING:** The final plat will contain all required information, certifications and signatures listed in this section.

**18.60.190 Requirements of survey and monumentation.**

Any final plat submitted shall meet the survey and monumentation requirements of ORS Chapter [92](#). [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.19, 2019.]

**18.60.200 Supplemental information with final plat.**

The following data, if applicable, shall accompany the final plat:

(1) *Title Report.* A preliminary title report or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.

(2) *Survey Data Sheets.* Sheets and drawings shall contain the following information:

(a) Traverse data including the coordinates of the boundary of the development and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

(b) The computation of distances, angles, and courses shown on the plat.

(c) Ties to existing monuments, proposed monuments, adjacent developments, street corners, and state highway stationing.

(3) *Deed Restrictions.* A copy of any deed restrictions applicable to the development.

(4) *Homeowner's Association.* If applicable, a copy of any homeowner's association agreement proposed or required for the development.

(5) *Dedications.* A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.

(6) *Taxes.* A list of all taxes and assessments on the tract which have become a lien on the land subdivided.

(7) *Improvements.* If grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:

(a) An improvement plan in accordance with MDC [18.20.100\(3\)](#).

(b) Plans and profiles of sanitary sewers, location of manholes, and drainage system.

- (c) Plans and profiles of the water distribution system showing pipe sizes and location of valves and fire hydrants.
- (d) Specifications for the construction of all utilities.
- (e) Grading plans and specifications as required for areas other than streets and ways.
- (f) Planting plans and specifications for street trees and other plantings in public areas.
- (g) Plans for improvements, design factors, or other provisions for fire protection or fire hazard reduction. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.20, 2019.]

**18.60.210**            **Technical review of final plat.**

**(1) *Compliance Check.*** Upon receipt by the Community Development Department, the final plat and other data shall be reviewed by the Subdivision Committee or Community Development Director, as applicable, to determine that the development, as shown, is substantially the same as it appeared on the approved tentative plan, and for compliance with provisions of this Development Code and other applicable laws.

**(2) *Field Check.*** The Public Works Director, the Community Development Director, and the County Surveyor, may make such checks in the field as are desirable to verify that the plat is sufficiently correct. The applicant shall grant permission to the Public Works Director, Community Development Director, or County Surveyor to enter the property for this purpose. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.21, 2019.]

**FINDING:** The applicant understands that there may be field checks prior to approval and recording of the final plat and will grant access for necessary parties to do such inspections.

**18.60.220**            **Conditions of final plat approval.**

**(1)** The Subdivision Committee or Community Development Director, as applicable, shall determine whether the final plat conforms with the approved tentative plan and these regulations. If the applicable review body does not approve the final plat, it shall advise the applicant of the changes or additions that must be made and shall afford them an opportunity to make corrections. If the applicable review body determines that the plat conforms to all requirements, it shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval of the final plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat, nor does such approval bind any other jurisdiction with review authority over the plat.

**(2)** No final plat shall be approved unless:

- (a) Streets and roads for public use are to be dedicated without any reservation or restriction.
- (b) Streets and roads held for private use as indicated on the tentative plan for such development have been approved by the City Public Works Director.
- (c) The plat or map contains provisions for dedication to the public of all public improvements, including, but not limited to, streets, roads, parks, and sewage disposal and water supply systems, if made a condition of the approval of the tentative plan.
- (d) Explanations of all public improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat or map.

**(3)** No plat shall be approved unless the developer has either constructed, and had accepted by the City Public Works Director, the required public improvements, or the developer has executed an improvement agreement acceptable to the City. If the developer chooses to construct the

improvements, the developer shall all also file with the City a warranty bond executed by a surety company to cover the one-year warranty period following acceptance by the City. Said bond shall be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.22, 2019.]

**18.60.230 Final signatures.**

After the final plat has been checked and approved as provided in this chapter, and all signatures have been obtained, except for those of the Community Development Director and any signatures required from County officials, the Community Development Director shall certify the final plat and submit it to the County for final signatures. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.23, 2019.]

**FINDING:** The applicant understands the process for gathering signatures on the final plat, prior to recording.

**18.60.240 Recording of final plat.**

(1) No plat shall have any force or effect until the same has been duly executed and recorded. No title to any property described in any offer of dedication shall pass until the final plat has been recorded.

(2) No plat shall be recorded unless all ad valorem taxes and all special assessment fees or other charges required by law to be placed upon the tax roll, which have become a lien upon the development or which will become a lien during the calendar year, have been paid.

(3) The applicant shall provide exact copies of the recorded plat to the Community Development Director. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.24, 2019.]

**18.60.250 Errors in the final plat.**

If an error in the final plat is discovered after the plat has been filed with the County Clerk, the error shall be corrected by filing a correction plat, which shall be submitted in the same manner as a final plat. [Ord. 959 § 2.1 (Exh. B), 2021; Ord. 933 § 12.25, 2019.]

**FINDING:** The applicant understands the process for correcting errors in the final plat.

**18.60.270 Flag lots.**

(1) *Eligibility for Flag Lots.* Flag lots may only be created if the Public Works Director determines that it is impractical to extend a street (including, without limitation, a cul-de-sac) to the flag portion of a proposed flag lot development.

(2) *Development Standards.* In addition to meeting all other applicable criteria, flag lots must comply with the following standards:

- (a) The minimum lot frontage and minimum width for the pole of a flag lot is 15 feet. The minimum frontage and minimum width for the front lot is the otherwise applicable minimum less 10 feet. Any pole exceeding 150 feet will have to meet all applicable fire code requirements.
- (b) When a shared driveway serves two or more properties, the shared driveway width must be a minimum of 20 feet. A shared driveway must be employed if the parent parcel has less than 100 feet of street frontage (or less than 80 feet of frontage if on a cul-de-sac) or for any proposed flag lot on a collector or arterial. The maximum number of properties utilizing a shared driveway is

four. Any shared driveway must have a reciprocal access and maintenance easement acceptable to City recorded for all properties utilizing the shared driveway prior to or current with platting.

(c) Except for the minimum requirements for the pole stated above, minimum lot widths and depths, if any, are measured on the flag portion of a flag lot.

(d) The flag portion of a flag lot must meet the applicable minimum lot sizes without considering the area of the pole portion of the flag lot.

(e) The front setback does not apply to the flag portion of the flag lot. The lot lines in the flag portion of a flag lot are side lot lines except for the rear lot line, which is a rear lot line.

(f) Except as otherwise provided in this subsection, the front lot must meet all applicable requirements for creation of a lot in the applicable zone.

(g) Flag lots and front lots are not eligible for any variances from dimensional requirements.

**FINDING:** The proposed subdivision includes two flag lots (Lots 5 and 8). Both lots have a “pole” width of greater than 15 feet. These lots exceed the minimum lot size without including the pole portion of the lot and meet all other dimensional criteria. The building setback lines are shown from the primary lot lines and not the pole portion of the lot, in conformance with these standards.

## Chapter 18.80

### ADMINISTRATIVE PROVISIONS

#### 18.80.010 Pre-application conference.

Unless the application is filed by the City, a pre-application conference is required for all Type III and Type IV applicants. Pre-application conferences are also highly recommended for complex applications and for applicants who are unfamiliar with the land use process. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Development Code and to identify issues likely to arise in processing an application. [Ord. 933 § 16.1, 2019.]

**FINDING:** A pre-application meeting was held with City staff on September 22<sup>nd</sup>, 2022.

#### 18.80.020 Applications.

No land use approval or planning review shall be processed unless the applicant submits a complete application.

(1) All applications shall:

(a) Be submitted by the property owner or a person who has written authorization from the property owner to make the application;

(b) Be completed on the applicable form prescribed by the City;

(c) Include supporting information required by this Development Code and any other information necessary to, in the judgment of the Community Development Director, demonstrate compliance with applicable standards;

(d) Be accompanied by the appropriate application fee, and any applicable public hearing fee, established by the City from time to time; and

(e) Provide proof of ownership in the form of a deed or other recorded document; except this requirement shall not apply to:

(i) Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or

(ii) Applications for development proposals sited on lands owned by the state or the federal government.

**(2) For purposes of this Development Code, a complete application refers to an application submitted in conformance with this section and any other requirements of the particular application set forth in this Development Code. An application is not complete unless, in the judgment of the Community Development Director, the application contains sufficient information to address all applicable standards. Acceptance of an application as complete shall not preclude a determination at a later date that additional applicable standards need to be addressed or a later determination that additional information is needed to adequately address applicable standards. [Ord. 933 § 16.2, 2019.]**

**FINDING:** The applicant understands that the application must be complete and include all items listed on the subdivision application form.

**18.80.050 Burden of proof.**

**The burden of proof to demonstrate compliance with the applicable standards is upon the applicant for all land use approvals and planning reviews. [Ord. 933 § 16.5, 2019.]**

**18.80.060 Applicable standards.**

**The standards and criteria applicable to an application shall be the standards and criteria applicable at the time the application was first submitted. [Ord. 933 § 16.6, 2019.]**

**FINDING:** This is a purpose statement and does not contain any actionable criteria.

**18.80.070 Final action.**

**The City shall take final action on all applications in accordance with the time limitations set forth in ORS [227.178](#) as the same may be amended from time to time. [Ord. 933 § 16.7, 2019.]**

**FINDING:** The applicant understands the time limitations that the City must follow in taking final action on the land use application.

**18.80.090 Classification of decisions.**

**All land use approvals and planning reviews shall be processed based on the decision classification hierarchy set forth below. Except where the classification is expressly prescribed in this Development Code, the Community Development Director shall have discretion as to how a particular application, request, or review shall be classified and which review procedures will be used, which shall not be an appealable decision.**

**(2) *Type II Decisions.***

**(a) Type II decisions are made by the Community Development Director following public notice and an opportunity for parties to comment, but without a public hearing.**

**(b) Applications for a partition, site plan approval, minor variance, and such other applications as prescribed by this Development Code shall be processed as Type II decisions.**

**(c) The Community Development Director has discretion to elevate an application for a Type II decision to a Type III decision.**

**(d) If appealed, Type II decisions are reviewed by the Planning Commission and the Planning Commission's decision may be appealed to the City Council subject to the City Council's discretion to hear the appeal.**

**18.80.110 Notice of application.**

**(1) No notice is required for the receipt of an application for a Type I decision.**



(2) Notice of an application for a Type II decision shall be mailed within ten (10) days after City's acceptance of a complete application. Written notice shall also be mailed to the following persons:

- (a) The applicant.
- (b) Unless specified elsewhere in this Development Code, to all owners of property within a distance of 250 feet of the subject property at the owner's address of record with the Jefferson County Tax Assessor.
- (c) Affected public agencies, including the following:
  - (i) *Division of State Lands*. The City shall notify the Oregon Division of State Lands (DSL) of any application that involves lands that are wholly or partially within areas that are identified as wetlands. Notice shall be in writing using the DSL Wetland Land Use Notification form and shall be sent within five working days of acceptance of a complete application ([ORS 227.350](#)).
  - (ii) *Department of Fish and Wildlife*. The City shall notify the Oregon Department of Fish and Wildlife (ODFW) in writing of any application for development activities within the riparian corridor. A mitigation recommendation shall be obtained from ODFW. Approval of the proposed development shall include a condition requiring compliance with the ODFW mitigation recommendations ([OAR 635-415](#)).
  - (iii) *Other Agencies*. The City shall notify other public agencies, as appropriate, that have statutory or administrative rule authority to review or issue state permits associated with local development applications.

**18.80.120** Contents of public notice.

- (1) All required public notices shall provide a brief description of the applicant's request, a list of applicable standards, the location of the property, the date, time, and place of the public hearing (if applicable), and instructions on obtaining copies of the application and providing written comment.
- (2) All notices for public hearings shall also contain a statement that recipients may request a copy of the staff report.

**FINDING:** The applicant understands the contents of the public notice to be issued upon submittal of the application.

**18.80.200** Notice of decision.

The final decision of the decision maker shall be in writing, signed, and mailed to all parties; provided, however, only the point of contact provided to the City will be delivered notice for any group, entity, or similar collection of individuals constituting a party.

**FINDING:** The applicant understands the notice of decision process.

**18.80.230** Appeals.

- (1) A decision shall be final unless a complete notice of appeal, compliant with MDC [18.80.240](#), is received by the Community Development Department within fifteen (15) days of the mailing date of the final written decision and provided the challenged decision is subject to appeal.
- (2) Who may file an appeal:
  - (a) A party to the application.
  - (b) A person to whom notice was to be mailed in accordance with MDC [18.80.110](#), and to whom no notice was mailed.

(c) The Planning Commission; provided, however, any appeal by the Planning Commission shall go directly to the City Council. No fee shall be required for an appeal filed by the Planning Commission.

(3) If more than one party files a notice of appeal on the same decision, the appeals shall be consolidated, noticed, and heard as one proceeding.

(4) An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision on the appeal. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received. An appeal may be withdrawn under this section regardless of whether other nonfiling parties have relied upon the appeal filed by the appellant.

(5) Any failure to conform to the requirements of MDC [18.80.240](#) and MDC [18.80.250](#) shall constitute a jurisdictional defect requiring dismissal of the appeal as untimely and/or unperfected.

(6) Determination of jurisdictional defects in an appeal shall be made by the body to whom an appeal has been made.

**FINDING:** The applicant understands that the project can be appealed and that there are subsequent steps in the process if an appeal is filed.

**18.80.270 Duration of approval.**

Except as provided elsewhere in this Development Code, all land use approvals and planning reviews shall be valid for a period of one year from the date of approval, unless a shorter or longer duration is granted or required as part of the approval. The date of the approval is the date that the land use approval becomes final for all purposes (no longer subject to appeal or further appeals) or, for planning reviews, the date the planning review approval is issued. [Ord. 933 § 16.27, 2019.]

**18.80.280 Extension.**

(1) Except as provided elsewhere in this Development Code, any land use approval or planning review may be extended, prior to expiration, by the Community Development Director for periods of six months, but in no event by more than two years. Such extensions shall be administrative, without notice, and in writing.

(2) No land use approval may be extended unless significant progress occurred during the duration of the approval or prior extension, or circumstances occurred which were out of the applicant's control. If the land use approval is subject to conditions of approval, significant progress means that some action must have commenced or occurred towards satisfaction of the conditions of approval. [Ord. 933 § 16.28, 2019.]

**FINDING:** The applicant understands the durations associated with a Tentative Plan approval.



January 20<sup>th</sup>, 2023

City of Madras  
125 SW E Street  
Madras, OR 97741

Re: Stone Oak Subdivision – Trip Generation Statement

To whom it concerns,

The following Trip Generation Statement is for the proposed Stone Oak subdivision located on tax lot 111301CA02203. We have analyzed trip generation for the site using the trip generation rates found in the 10<sup>th</sup> version of the Institute of Transportation Engineers (ITE) Trip Generation Manual for Multifamily Housing (Low-Rise), Code 220.

**Weekday ADT**

Total units (existing conditions) = 0

Total units (proposed conditions) = 39

Net increase in Dwelling Units = 39

Daily Trip Rate for Code 220 = 6.31 per dwelling (see attached)

**Proposed ADT = 39 X 6.31 = 246.1**

**Weekday PM Peak Hour**

Proposed number of Dwelling Units = 39

PM Peak Hour Rate for Code 220 = 0.51 per dwelling (see attached)

**Proposed PM Peak Hour Trips = 39 X 0.51 = 19.9**

The proposed development will provide access to the site from Oak Street and will add up to 39 new multifamily dwellings, resulting in an approximate increase of 246 ADT. The anticipated increase in peak hour trips is less than 50 and the increase in average daily trips is less than 500; therefore, a Traffic Impact Analysis (TIA) will not be required.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "A Pust".

April Pust, PE  
(541) 633-3140  
apust@beconeng.com



RENEWS: DECEMBER 31, 2024

**Engineering Department**  
63090 Sherman Rd.  
Bend, OR 97701



## **LETTER OF INTENT TO SERVE**

Date: 1/13/2023

To Whom It May Concern,

It is the intention of TDS/BendBroadband LLC to install mainline (Fiber or Coax) (in developer- provided conduit (2" conduit with 3' sweeps) within utility trenches) in the below described properties. TDS/BendBroadband LLC will activate these lines at a time when TDS/BendBroadband LLC determines it is cost effective to do so. All conduits placed on our behalf within these properties and Rights of Way are for the exclusive use of providing TDS/BendBroadband LLC services.

Subdivision/Property Description:  
**Stone Oak Subdivision**

Thank you,

A handwritten signature in black ink that reads "Sosanna McHugh". The signature is written in a cursive, flowing style.

Sosanna McHugh – Senior Software Engineer (541) 693-5981  
[Sosanna.McHugh@tdstelecom.com](mailto:Sosanna.McHugh@tdstelecom.com)

Jeff Liberty - Manager - NS Engineering (541) 312-6449  
[jeff.liberty@tdstelecom.com](mailto:jeff.liberty@tdstelecom.com)

Joseph Waibel – Network Specialist Engineering (541) 550-9049  
[joseph.waibel@tdstelecom.com](mailto:joseph.waibel@tdstelecom.com)

Jeffrey Hocker - Network Specialist Engineering (541) 668-7273  
[jeffry.hocker@tdstelecom.com](mailto:jeffry.hocker@tdstelecom.com)



64500 OB RILEY ROAD SUITE 2 • BEND, OR 97703-1088  
TELEPHONE 888-522-1130 • FAX 541-317-8570  
[www.cngc.com](http://www.cngc.com)

1/11/23

BECON  
549 SW Mill View Way, Suite 100  
Bend, OR 97702

Re: Stone Oak Subdivision, Madras OR (Tax Lot 111301CA02203)

Dear: April

Pursuant to your inquiry, Cascade Natural Gas Corporation will provide service to above subject in accordance to our Rule #10 (see attached), as set forth by the Oregon Public Utilities Commission.

Should you have any questions in regard to this matter, please feel free to contact me.

Sincerely,

CASCADE NATURAL GAS CORPORATION

A handwritten signature in blue ink that reads "Donna Herman".

Donna Herman  
Energy Services Representative Sr.  
541-706-6282  
[Donna.herman@cngc.com](mailto:Donna.herman@cngc.com)

Attachment



1/12/2023

April Pust  
549 SW Mill View Way, Ste. 100  
Bend, OR 97702

RE: TBD

Will Serve: Madras (Tax Lot 111301CA02203)

Dear Customer,

This is to advise you that Pacific Power has electrical distribution facilities near 410 NE Oak St. in Jefferson County, State of Oregon. Pacific Power has certified rights to provide electrical energy in this area.

Pacific Power will provide electric service to this project within a reasonable time after service is applied for. These extensions are provided under our rules and regulations as filed with the Oregon State Public Utilities Commissioners. These rules and regulations require that under some situations, the developer or customer will be required to participate in the line extension costs.

Electric service to this project is in accordance with the rates, rules and regulations of Pacific Power's files electric tariff.

If you have questions please give me a call at 541-388-7132.

Respectfully,

Tami Hoffman  
[tami.hoffman@pacificorp.com](mailto:tami.hoffman@pacificorp.com)



## PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Western Title & Escrow Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

**Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

*Countersigned*

A handwritten signature in black ink, appearing to read "Alan Burton", is written over a horizontal line.

Alan Burton





60 SE 6th Street, Madras, OR 97741  
(541)460-5107 FAX (541)460-5019

## PRELIMINARY REPORT

**ESCROW OFFICER:** Nicole A. McGraw  
nicole.mcgraw@westerntitle.com  
541-460-5105

**ORDER NO.:** WT0242840  
**Revision** 4-update buyers

**TITLE OFFICER:** Tyler Friesen  
Email: titleofficersupport@westerntitle.com

**TO:** Western Title & Escrow Company  
60 SE 6th Street  
Madras, OR 97741

**ESCROW LICENSE NO.:** 201210780

**OWNER/SELLER:** Marie Easter

**BUYER/BORROWER:** Momentasize, LLC, as to undivided 10% interest, VDV Properties, LLC, as to an undivided 40% interest and Anne-Marie van der Velde, as to an undivided 50% interest

**PROPERTY ADDRESS:** No Situs Address, 2203 NE Oak, Madras, OR 97741

**EFFECTIVE DATE:** December 27, 2022, 05:00 PM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2021 Owner's Standard Proposed Insured: Momentasize, LLC, as to undivided 10% interest, VDV Properties, LLC, as to an undivided 40% interest, and Anne-Marie van der Velde, as to an undivided 50% interest	\$ 309,715.00	\$ 970.00
OTIRO Endorsement No. 110		\$ 0.00
Government Lien Search		\$ 75.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

Fee Simple

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Larry Easter and and Marie Easter, as tenants by the entirety

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF MADRAS, COUNTY OF JEFFERSON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

Parcel 2 of Partition Plat 1990-02, recorded June 20, 1990 as Instrument No. 901367, in the office of the County Clerk for Jefferson County, Oregon.

**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2022-2023  
Original Amount: \$836.85  
Unpaid Balance: \$557.90, plus interest, if any  
Levy Code: 0020  
Account No.: 11696  
Map No.: 111301CA02203

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

7. City Liens, if any, of the City of Madras.  
(Please contact the Title Department for a City Lien Search within 30 days of closing)
8. The property lies within the boundaries of Deschutes Valley Water District and is subject to any charges or assessments levied by said District, and pipeline easements in connection therewith.
9. Regulations of North Unit Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.
10. Easement, as disclosed in document,  
Recording Date: November 17, 1949  
Recording No.: 4-395

11. Easement(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Pacific Power & Light Company  
Recording Date: September 20, 1961  
Recording No: 33-562
12. Easement(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Pacific Power & Light Company  
Recording Date: December 10, 1984  
Recording No: 152918
13. [Intentionally Deleted]
14. Effect, if any, of Bargain and Sale Deed,  
Recording Date: November 14, 2005  
Recording No: 2005-006574  
Grantor: Larry Easter  
Grantee: Marie Easter

The above document was recorded with an erroneous legal description.

15. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

**ADDITIONAL REQUIREMENTS/NOTES:**

- A. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final ALTA Policy unless removed prior to issuance.
- C. Note: If an Owner's Title Insurance Policy is requested, the State of Oregon requires every ALTA Owner's Policy (07-01-2021) to include the OTIRO 110 Endorsement as a supplement to the definition of Insured in said Owner's Policy's Conditions to confirm coverage is the same for an Oregon Registered Domestic Partner as it is for a Spouse.
- D. [Intentionally Deleted]
- E. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:  
  
Parties: Momentasize, LLC, as to undivided 10% interest, VDV Properties, LLC, as to an undivided 40% interest and Anne-Marie van der Velde as to an undivided 50% interest
- F. The Company has on file a copy of the Operating Agreement for Momentasize LLC , dated January 11, 2021. A copy of any amendments subsequent to the date of said Operating Agreement should be furnished for review prior to closing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- G. The Company has on file a copy of the Operating Agreement for VDV Properties, LLC , dated April 19, 2006. A copy of any amendments subsequent to the date of said Operating Agreement should be furnished for review prior to closing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- H. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

- I. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

- J. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

- K. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

- L. Note: Recording charge per document for:  
**Jefferson County** - \$91.00 for the first page, \$5.00 for each additional page

E-recording fee is an additional \$5.00 per document

**Send Recording Packages to:**  
Western Title & Escrow Company  
Attention: Recording  
1777 SW Chandler, Suite 100  
Bend, OR 97702  
Email: [desrecording@westerntitle.com](mailto:desrecording@westerntitle.com)

**EXHIBIT ONE**  
**2021 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (07-01-2021)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
  - i. the occupancy, use, or enjoyment of the Land;
  - ii. the character, dimensions, or location of any improvement on the Land;
  - iii. the subdivision of land; or
  - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
  - a. created, suffered, assumed, or agreed to by the Insured Claimant;
  - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - c. resulting in no loss or damage to the Insured Claimant;
  - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or

- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
  - a. fraudulent conveyance or fraudulent transfer;
  - b. voidable transfer under the Uniform Voidable Transactions Act; or
  - c. preferential transfer:
    - i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
    - ii. for any reason not stated in the Covered Risk 13.b
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

**2021 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (07-01-2021)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
  - i. the occupancy, use, or enjoyment of the Land;
  - ii. the character, dimensions or location of any improvement on the Land;
  - iii. the subdivision of land; or
  - iv. environmental remediation or protection;
- b. any governmental forfeiture, police, regulatory, or national security power
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
  - a. created, suffered, assumed or agreed to by the Insured Claimant;
  - b. not known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - c. resulting in no loss or damage to the Insured Claimant;

- d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
  - a. fraudulent conveyance or fraudulent transfer, or
  - b. voidable transfer under the Uniform Voidable Transactions Act; or
  - c. preferential transfer:
    - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
    - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

## EXHIBIT ONE

### 2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;
  - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
  - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
  - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

### 2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.





Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## **FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE**

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888)714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice: Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

### **Accessing and Correcting Information: Contact Us**

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 714-2710 or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer



125 SW "E" Street,  
Madras, OR, 97741  
541-475-2344

### ADJACENT PROPERTY OWNER NOTIFICATION

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**DATE:** January 30, 2023

**FILE:** SD-23-1

**APPLICANT/  
PROPERTY OWNER:** Dirk van der Velde  
Momentasize, LLC  
16330 Skyline Ranch Road  
Bend, OR, 97703

**SITE ADDRESS:** Unaddressed

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** 10-lot residential subdivision.

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Adjacent Property Owner:

This letter is to inform you of a Subdivision application that was submitted to the City of Madras Community Development Department by the Momentasize, LLC for a 10-Lot Subdivision on Tax Lot 2203 located on Jefferson County Assessor's Map 11-13-1CA. The decision regarding this land use action will be based on compliance with Madras Municipal Code Chapters 18.15 – Land Use Zone, Chapter 18.20 – Public Improvement & Site Development Standards, and Chapter 18.25 – Supplementary Provisions, Chapter 18.30 – Special Standards for Certain Use, Chapter 18.60 – Land Divisions, Replats, and Property Line Adjustments, and Chapter 18.80 – Administrative Provisions. As an adjacent property owner within 250 feet of the location where the development is proposed, you are entitled notice. If you have any concerns, comments, and or wish to become an interested party of the record, please respond to this letter within 10 days by sending a letter to the Community Development Department at 125 SW "E" Street or send an email to [ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us). You may also call the Community Development Department at 541-475-2344. The file for this matter (SD-23-1) is available for public review at City Hall located at 125 SW "E" Street.

*Fatima Taha*

Fatima Taha  
Community Development Associate  
[ftaha@cityofmadras.us](mailto:ftaha@cityofmadras.us)  
541-325-0305

Development Team Member:

Attached are copies of application materials submitted for 10-lot Subdivision request located in the Moderate Density Residential (R-1) Zone.

The application was submitted on January 20, 2023. Please be advised that the City has sent a notice to all properties within 250 feet of the subject property on January 30, 2023. Please submit comments to the City by no later than February 9, 2023 regarding this land use application. Please let me know if you need any additional information.

**FILE:** SD-23-1

**APPLICANT/  
PROPERTY OWNER:** Dirk van der Velde  
Momentasize, LLC  
16330 Skyline Ranch Road  
Bend, OR, 97703

**SITE ADDRESS:** No address assigned at this time

**MAP & TAXLOT:** 11-13-1CA-2203

**ZONING:** Moderate Density Residential (R-1)

**PROPOSAL:** 10-lot residential subdivision.

**DECISION TYPE:** Type II, Administrative

## MEMORANDUM

DATE: 2/1/2023

TO: Fatima Taha, MBA, Ph.D.  
Associate Planner

FROM: Michael J. Whitfield, CCM  
Public Works Director

RE: Site Development Application SD-23-1 (Stone Oak Subdivision)

### Public Works Director Site Plan Committee Report for Conditions of Approval

Reference in parentheses is from the City's Public Improvement Design and Construction Standards

1. Development/redevelopment/construction shall not create an undue burden/ excessive demand on the public transportation (or other public) utility infrastructure. (Section 1-3)
2. Except as otherwise provided below, all onsite and offsite improvements shall not commence until all engineering plans for that work are approved by the Public Works Department and required agreements, bonds, or guarantees have been submitted in accordance to the City's *Public Improvement Design and Construction Standards* and the APWA standards, specifications, and drawings, as amended and adopted by the City (Ordinance #950), or otherwise guaranteed to be completed by the applicant to the satisfaction of the City. (Section 1-4)
3. Except as otherwise provided below, the applicant shall comply with:
  - a. City Comprehensive Plan
  - b. Madras Development Code Ordinance #968 (and as amended)
  - c. Ordinance #965- City of Madras Public Improvement Design and Construction Standards
  - d. Ordinance #926 - City of Madras Transportation System Master Plan.
  - e. City of Madras Wastewater System Master Plan, June of 2018
  - f. City of Madras Parks and Open Space Master Plan, July 2019
  - g. City of Madras Stormwater Master Plan, April 2005
  - h. City of Madras Flood Mitigation Plan, June 2005
  - i. City of Madras Water Master Plan, March 2014
  - j. Tree Planting and Maintenance Ordinance #527 as amended by #531
  - k. Madras Utility Ordinances #930 - Cross Connections, Water System #928 and Sewer System #929
  - l. City Fee Resolution 2022 (and as amended): City Fee Rate and Schedule
  - m. ITE Trip Generation Manual, Handbook and User's Guide, 10th Edition
  - n. Transportation System Development Charge Final Report, June 2019 as adopted by City Council under Resolution 33-2019
  - o. Jefferson County Road Functional Classification Table 3.2
  - p. City of Madras Ordinance #924 – SDC Ordinance
  - q. ODOT – Oregon Standard Specifications for Construction



4. Prior to issuance of a building permit, the proposed development and final detailed construction plans will be required to be reviewed and approved by the Public Works Director per the standards set out in Conditions #1 through #3.

**Site Conditions:**

1. All Public Improvements shall require a warranty bond executed by a surety company to cover the one-year warranty period following acceptance by the City. Said bond shall be in the amount of ten percent (10%) of the total value of the improvements. (Section 1-5)
2. As a condition of approval, a land and/or easement dedication shall be required for the creation or enlargement of streets or other infrastructure where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use. (Section 1-9)
3. All new utilities must be placed underground. (Section 1-11)

As a condition of approval, the applicant is to install utilities to serve the site underground. No overhead utilities will be permitted. All electrical service improvements shall be reviewed and approved by Pacific Power and Light Company prior to the installation of the underground electrical utilities on or adjacent to the subject property.

4. Typical utility layout in the Public Right of Way is as follows:
  - a. Water alignment – West or North sides of the road section (approx. 5'-6' off of curb)
  - b. Sewer alignment – Centerline of roadways.
  - c. Stormwater alignment – Opposite side of street from water
  - d. Other services (phone, gas, electric, TV) – planter strip section or granted public utility easement (P.U.E) behind sidewalk.
  - e. Minimum utility cover is 30 inches
  - f. Horizontal or vertical alignment changes in the storm and sewer mains require a manhole at the location of change.
  - g. Any variations to be reviewed and approved by the Public Works Director
5. Standards for Erosion Control shall be met, including: (Section 3)
  - a. The applicant is disturbing more than 1 acre and is required to obtain a 1200C permit from the Department of Environmental Quality. The applicant will provide a copy of the approved 1200C permit to the City for its records.
  - b. The developer and his or her designated contractor will install and maintain construction entrances, sedimentation control devices and provide vegetative establishment on all disturbed surfaces within the development area per ODOT standard erosion control details and best management practices.
6. Standards for Stormwater Facilities shall be met as described in Section 4 and the Central Oregon Stormwater Manual.

- a. As a condition of approval, the site is required to provide detention design which will limit the 2-year/24-hour post-developed peak flow to the 2-year/24-hour pre-developed flow and the 25-year/24-hour post-developed peak flow to the 25-year/24-hour pre-developed peak flow. Provide design and calculations to the City of Madras for review and approval prior to the issuance of building permits.
  - b. Detention systems that discharge runoff must provide water quality design. A sediment manhole or similar approved structure is a Best Management Practice that meets the water quality design criteria. A sediment manhole is the water quality treatment method for a drywell or other UIC.
  - c. The City will provide final consent on stormwater design and calculations. In publicly maintained areas, swales or ponds are to have slopes no greater than 4H:1V to accommodate mowing equipment.
  - d. Storm Ponds & Swales - Provide detail for maintenance access, a maximum steepness of 4H:1V slopes, and detail for an overflow structure that directs stormwater into the street right-of-way (or open space if available) during storm events larger than the 25-year event. Detention ponds shall have flow control structures with orifices or weir plates to limit the outflow to the 10-year pre-developed level. Design is to include a system to drain the detention facility between storm events (at City Engineer allowed rate) so the pond capacity is recharged. A one-foot freeboard (this is the distance from the top of berm to the maximum water level for the 100-year storm) is required. Pond slopes are to be setback a minimum of six (6) feet from the property boundaries. The pond area and perimeter are to be irrigated and landscaped to provide erosion control and beautification to the surrounding neighborhood.
  - e. Detention Vaults and Pipes – Detention pipes and vaults are to be designed for a minimum of a 50-year peak flow. Design for sizing the pre-developed flow release and overflow system requirements is required in the same fashion as for ponds and Swales.
  - f. Use CG-2 Catch Basins with 18" sumps in conjunction with curb and gutter on Local and Minor Collector Streets. On Major Collectors use Type CG-3 Curb Inlets with 18" sumps.
  - g. Storm Drywells – Private drywells are allowed for stormwater management. It requires permitting through the Department of Environmental Quality. If drywells are used for private stormwater, utilize the table in Section 4 of the City's Public Improvement Design and Construction Standards for sizing of drywells. Submit permit approval from DEQ to City for record keeping purposes.
7. Standards for Sanitary Sewers and Wastewater Lift Stations are set out in Section 5 of the City's Public Improvement Design and Construction Standards. Ordinance 929 regulates

the use of public and private sewers and drains, private sewage disposal, and the installation of and connection of building sewers and the discharge of waters and wastes into the public sewer system. As a condition of approval, the applicant must complete the following in accordance with City Standards:

- a. Commercial buildings (including hospitals) will need to have a professional engineer size the minimum sewer pipe diameter for the proposed building.
  - b. In accordance with the City's Sewer Ordinance, no person shall discharge, or cause to be discharged, solid or viscous substances in quantities or of such size capable of causing obstruction of the flow in sewers, or other interference, including, without limitation, grease, spent lime, grass clippings, spent grains, spent hops, asphalt residues, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing's, entrails, and paper dishes, cups, and milk containers, either whole or ground by garbage grinders.
8. Standards for Water Facilities and Related Work are set out in Section 6 of the City's Public Improvement Design and Construction Standards.
9. The City of Madras supplies water to the site. Coordinate and perform Fire Hydrant layout and sizing, and fire flow requirements with the City & Jefferson County Fire Department. Provide a fire flow analysis to confirm fire hydrant capacity needs are satisfied. Perform all necessary design and capacity improvements as required to provide the necessary minimum flow to the new development. Fire flow analysis is required to determine capacity improvement needs. Development is responsible for all system improvement costs necessary to supply new building improvements.
- a. All water meters shall be Badger Meter Model 25 (5/8" x 3/4"), Badger Meter Model 55 (1"), Badger meter Model 120 (1 -1/2"), Badger Meter Model 170 (2"), and ORION reading solution on all meters. The City will provide meters and setters and the developer shall provide the boxes.
10. Standards for Streets and Related Work are set out in Section 7 of the City's Public Improvement Design and Construction Standards. Whereas the developer of a subdivision, partition, change of use (when intensity increases), conditional use, or site plan will be required to improve all public ways that are adjacent to the development, within the development or that serve as the primary access to the development.

### **NE Oak Street**

- a. The property is served by NE Oak Street between NE 12<sup>th</sup> Street and NE Hillcrest Street. The applicant has proposed to construct the development over one tax lot.
- b. NE Oak Street is a Minor Collector, as identified in the TSP. Minor Collector Street Standard: Minimum of 60 feet of publicly dedicated right-of-way (ROW) required. 25-foot radius on curb returns at NE Oak Street intersection. 14-inch curb with 6-inch exposure per Standard Detail 7-15 (streets with running slopes of 0.5% or less require concrete curb and gutter).

- i. As a condition a 6-foot sidewalk is required on NE Oak Street (minimum 4 inches of PCC on 4 inches of aggregate base) curb tight. Provide a two (2') foot flat grading setback behind walks prior to providing the 2:1 back slope to the catch point.
- ii. 5.5-foot planter (measured from the edge of sidewalk to the ROW).
- iii. Minimum 5-foot bike lanes
- iv. Minimum 12-foot travel lanes
- v. 37-foot of paving width (face of curb to face of curb)
- vi. 60-foot right-of-way sidewalks curb tight

### **NE Stone Oak Court**

- a. NE Stone Oak Court will be classified as a Local Street, as identified in the City's Public Improvement Design and Construction Standards. Local Street Standard: Minimum of 55 feet of publicly dedicated right-of-way (ROW) required. 25-foot radius on curb returns at NE Oak Street intersection and 20-foot radius on local street returns. 12-inch curb with 6-inch exposure per Standard Detail 7-15 (streets with running slopes of 0.5% or less require concrete curb and gutter) is required.
  - vii. 6-foot sidewalk (minimum 4 inches of PCC on 4 inches of aggregate base) property tight. Provide a two (2') foot flat grading setback behind walks prior to providing the 2:1 back slope to the catch point. As a condition, sidewalks and ADA ramps along NE Oak Street are required. ADA ramps shall be directional across NE Stone Oak Court.
  - viii. 7-foot parking lanes
  - ix. 18-foot common travel lane for both directions of traffic
  - x. 32-foot of paving width (face of curb to face of curb)
- b. Pavement shall be 8 inches of aggregate base (3/4 inch – 0) and 4 inches of level II or level III, 1/2-inch dense HMAC double lift with PG 58-34. Pavement shall be tacked with an emulsified asphalt either CSS-1, CSS-1h, or equivalent between lifts.
- c. Cobra Head style LED lights per current Pacific Power and Light Standards on aluminum pole shall be provided. Placement of streetlights shall be at intersections, at stripped crosswalks, in the middle of long blocks, major access points, in dead end streets, and in the end of long cul-de-sacs. Spacing is optimally 275 feet between lights but in no case shall exceed 400 feet between lights. Submit plans and specifications to the Public Works Department for approval. As a condition, streetlights shall be required at the intersection of NE Stone Oak Court and NE Oak Street, as well as one in the cul-de-sac.
- d. ADA complaint ramps are required at all public street intersections and shall be directional (one ramp in each direction). All curb ramps are to have the City of Madras cast iron detectable warning plates per East Jordan Iron Works or approved equal. The City follows ODOT Standard Detail 1720 and 1721 for design of ADA

ramps. All ramps constructed will be inspected with ODOT Form 734-5020. The applicant will be responsible for ensuring that ramps are in full compliance with the form. Any deficiencies in the ramp are to be corrected before acceptance of the project and receipt of certificate of occupancy.

General Comments:

1. The proposed development is subject to all City of Madras fees including system development charges (SDCs). All applicable fees must be paid at the time of building permit according to City policy.
2. Formal plans and specifications are to be submitted for all construction. Design drawings shall be prepared with a cover sheet for signatures on standard 20lb bright-white paper with the appropriate professional stamp. Final drawings shall be submitted on ANSI D – 22” x 34”. Submit as-built Hard Copy plans (11”x17” half scale) and Electronic – ACAD & PDF electronic files as sections of work are completed. Wastewater system plans to be submitted to and approved by the City of Madras and by DEQ (only pump/lift station for DEQ). Once the final plans are approved, schedule a pre-construction meeting with the City of Madras Public Works Department.
3. Installation of Post Office mail boxes is to be coordinated with the post master and Public Works. Boxes are to be within the development. Boxes are not be block the clear vision area at any intersection or driveway within or adjacent to the site development. Mail boxes are not to encroach upon the sidewalk or any other pedestrian or bike path. Additional detail is needed for City Engineer review. Prior to construction, the staked location must be reviewed by the Public Works Department.
4. After public improvement construction plans are approved by the City and prior to construction starting, the contractor performing the work shall schedule and attend a preconstruction conference with the Public Works Department.
5. If construction routes damage adjacent or nearby City Streets due to heavy truck traffic, consult with the Public Works Director on necessary repairs and potential change of access routes during construction, as determined necessary by the Public Works Director.
6. Street signs are required where applicable. Provide construction plans detailing sign locations, dimensions, type and post specifications meeting Public Works Department and MUTCD Standards.
7. Do not install any structures, signs or landscaping that impedes the clear vision area as defined by the City’s Development Code Ordinance 933. Vision clearance at intersections shall be provided in all zoning districts with the following distances establishing the size of the vision clearance area as described below:
  - a. The minimum distance shall be twenty feet (20’) at intersections comprising of two (2) streets, or one (1) street and a railroad right-of-way.
  - b. Exception: Does not apply to Downtown Commercial Zone (C2).

- c. At intersections of a commercial/industrial access, the minimum distance shall be fifteen feet (15').
  - d. At intersections including an alley, the minimum distance shall be ten feet (10').
  - e. For commercial/industrial access the minimum length of the two legs for the clear vision triangle shall be measured from the corner intersection of the lot line and edge of access (i.e. curb, gravel or pavement) to a distance specified in these regulations.
  - f. The third side of the triangle is a line across the corner of a lot joining the ends of the other two (2) sides. Where the lot lines at intersections have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.
  - g. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three feet (3') in height, measured from the road surface.
  - h. Exceptions: The following are exempt from clear vision area compliance:
    - i. Tree trunk (clear of branches or foliage)
    - ii. Street and Safety signage
    - iii. Utility poles.
    - iv. Street lights.
8. Maximum street grade is 10% on any local or minor collector street. Maximum street grade is 8% for any major collector street sections.
9. The maximum grade slope for any lot or street side slope is 2H:1V. If development creates a steeper slope, retaining walls are required. When the height of a retaining wall exceeds the standard building official limit (4 feet), provide engineered retaining wall drawings and calculations for review and approval by the Jefferson County Building Department for individual lots and to the City of Madras for any roadway retaining walls.
10. Right-of-way Permits: Are required when any person desires to erect, construct or maintain an encroachment upon public property. An encroachment shall include any tower, pole, pole line, pipe, pipeline, deck, billboard, stand or building, or any other such object or structure that is placed in, upon, under or over any public street, highway or alley right-of-way, or other public property. A review and recording fee is required. Any temporary closure of a public right-of-way to vehicular or pedestrian traffic requires City approval prior to the proposed closure. Closures include street/alley, traffic lane, parking lane, bicycle lane and sidewalks that are not covered by a permit issued under Section 2 of the City's Public Improvement Design and Construction Standards.
11. Sanitary Sewer Permit: Fees are charged for setting up a service account as well as inspection of the service connection. Any homes that are located outside the City limits that need or are required to connect to City sewer service must sign consent to annex and pay applicable fees.

12. Lot corners are to be surveyed and staked for building inspection reference.
13. A \$1,000 landscaping deposit will be required at the time of building permit application to ensure that landscaping occurs along the lot's frontage in the planter strip in a manner that is consistent with the approved tentative plan, City of Madras TSP, Parks and Open Space Master Plan, and in conjunction with the planning department's requirements for landscaped lawn area.
14. The development property owner is responsible for weed abatement throughout the life of the development. This involves at a minimum mowing dry grass and weeded areas within the development zone (future phases included) for the purpose of weed abatement and fire control measures. In the event this does not occur, per the City ordinance the City will hire a mowing service to perform the necessary work and put a lien on the property.
15. The City of Madras supplies water to the site. Coordinate and perform Fire Hydrant layout and sizing, and fire flow requirements with the City of Madras Public Works department and Jefferson County Fire Department. Provide a fire flow analysis to confirm fire hydrant capacity needs are satisfied. Perform all necessary design and capacity improvements as required to provide the necessary minimum flow to the new development. Fire flow analysis is required to determine capacity improvement needs. Development is responsible for all system improvement costs necessary to supply new building improvements.
16. Per site plan approval the developer or its designee is responsible for all required inspections and testing for street & utility improvements per the guidelines set by the City of Madras. Inspection - The Public Works Department shall be notified two working days in advance of the time for subgrade inspection, two working days in advance of the time for bases inspection and two working days in advance of the time for paving inspection. Each stage of construction must be inspected and approved prior to the commencement of the next stage of construction. The final inspection shall be requested seven working days in advance. Quality Control testing and documentation must be submitted to the City of Madras during construction per ODOT/APWA guidelines for the following but not limited to (frequencies identified in the ODOT Field Test Procedures Manual):
  - a. Subgrade, base rock and asphalt paving compaction densities
  - b. City Water Lines - Pressure, Bacterial and Chlorine Testing requirement.
  - c. Sanitary Sewer Line - Air Pressure Test, Mandrel, TV Inspection and
    - i. Manhole Vacuum Test.
  - d. Storm Line - Mandrel and TV Inspection
  - e. Concrete Sampling and Testing - Minor Structural Concrete testing for use in curb, gutter and sidewalk.





Date:	November 20, 2023
To:	Nicholas Snead, City of Madras Community Development
From:	Joe Bessman, PE
Project Reference No.:	1789
Project Name:	Oak Street Multifamily Transportation Addendum



This memorandum provides an alternative Transportation Planning Rule compliance approach to the proposed Oak Street multifamily project in response to comments received from the City’s review. As the proposed development seeks rezoning from R-1 to R-3, this process requires that the project comply with State requirements within the Transportation Planning Rule, and specifically the section on Plan and Land Use Regulation Amendments (OAR 660-012-0060). The purpose of these provisions is to show that the proposed R-3 zoning does not require changes to the City’s adopted transportation plans. While there are various means of demonstrating this compliance, as a first step this is most commonly assessed through comparison of a reasonable maximum allowable development scenario in the existing (R-1) and proposed (R-3) zoning.

In terms of creating a maximum scenario for the R-1 zoning, within our July 2023 scoping memorandum and our September 2023 transportation report we identified how build-out of the 3.5-acre parcel through subdivision into 30 separate 5,000 square-foot lots would then allow development with three townhomes per lot (up to 90 lots). This scenario leveraged the City’s recently adopted middle-housing code, and while allowed as an outright use would need to continue to comply with various setbacks, lot coverage, parking, and other site-specific requirements. This hypothetical scenario results in a higher overall site density that could generate more trips than is proposed with the concurrent site plan. Therefore, as the proposed development remains below this threshold there are no additional impacts or changes needed to the functional classification or performance standards applied to surrounding transportation facilities, complying with the TPR.

While this middle housing density is listed as an outright permitted use within the City’s R-1 zoning, staff’s review comments noted conflicts within the City’s adopted Comprehensive Plan. The description of the R-1 zoning within the Comprehensive Plan states the following:

*“The intended residential density of the R-1 Zone is 4 – 7.3 dwelling units per gross acre as calculated and further refined in the Development Code.”*

While the City’s Development Code is intended to implement the Comprehensive Plan and provides the relevant review criteria, in discussions with staff there were questions about whether this level of density could reasonably be created. Accordingly, subdivision of the 3.5-acre property and development of three townhomes on each of the newly-created 5,000 square-foot parcels would provide an effective density of 26.1 units per acre, and may not serve as an outright permitted use as stated within Table 18.15.040-2 of the City’s Development Code (see Figure 1).

**Table 18.15.040-2. Housing Types in the R-1, R-2, and R-3 Zones**

<b>Residential Use Category</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Limitations and qualifications</b>
Accessory dwelling unit	P	P	P	(a) Permitted in conjunction with one single detached dwelling.
Townhouse	P	P	P	(a) See MDC <a href="#">18.30.191</a> , Townhouse design and development standards. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to three dwelling units, attached or detached	P	P	P	(a) Permitted on lots 5,000 square feet or greater, per MDC <a href="#">18.50.030</a> . (b) See MDC <a href="#">18.30.190</a> , Residential design standards.
One to four dwelling units, attached or detached	P	P	P	(a) Permitted on lots 7,500 square feet or greater. (b) See MDC <a href="#">18.30.190</a> , Residential design standards.

Figure 1. Allowable Residential Uses in Madras Development Code

In response to the concern that other Code provisions could prevent this density from being achieved, we noted that there are other outright allowed uses within the R-1 zoning that provide the same general level of development intensity and can also be used to show compliance with the TPR. While the City’s review consultant review comments indicated that the provisions of the Oregon Highway Plan Action 1F.5 (Small Increase in Traffic) could be used to achieve this compliance, as these provisions apply only to ODOT’s mobility targets on State facilities this would not serve as a suitable TPR compliance mechanism.

However, included within the outright allowable uses within R-1 zoning are daycare facilities, single family homes, parks and recreation facilities, and community centers. In review of these potential allowable uses, development of a portion of the property with a daycare facility would also create a reasonable and intense trip generation scenario. A typical daycare facility generally comprises about an acre of land and includes about 5,000 square-feet of building area. This would retain the remainder of the property (2.5 acres) for single-family detached residential use at the City’s stated maximum allowable density of 7.3 units per acre, or 18 homes excluding any consideration of Accessory Dwelling Units or attached residential products. The resultant trip rates for this alternative trip generation scenario are presented in Table 1.

**Table 1. Alternative R-1 Development Scenario**

Land Use	ITE Code	Size	Weekday Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Single-Family Detached Housing <i>ITE Average Trip Rate</i>	210	Up to 18 Units	170 <i>(9.43/Unit)</i>	17 <i>(0.57/Unit)</i>	11 <i>63%</i>	6 <i>37%</i>
Day Care Center	565	5,000 SF	238 <i>47.62/KSF</i>	56 <i>11.12/KSF</i>	26 <i>47% In</i>	30 <i>53% Out</i>
Total Trips			408	73	37	36

As included within the TIA and reviewed and approved by the City, the proposed development plans for the site include 60 multifamily units and 3 single-family detached residences within the R-3 zoning. A comparison of the trip generation potential of these proposed uses to the alternative development scenario shown in Table 1 are presented in Table 2.

**Table 2. Comparative TPR Assessment**

Scenario	Weekday Daily Trips	Weekday PM Peak Hour		
		Total	In	Out
Alternative R-1 Zoning Development Scenario (See Table 1)	408	73	37	36
Proposed R-3 Zoning Development Plan (Concurrent Site Plan)	432	34	21	13
<b>Trip Difference (Proposed – Existing)</b>	<b>+24</b>	<b>-39</b>	<b>-16</b>	<b>-23</b>

This comparison shows that the proposed development continues to generate fewer weekday p.m. peak hour trips than could be generated under the R-1 zoning either with account of the multifamily uses or with this assessment of single-family detached units and a daycare facility. While this scenario shows a minor increase in the number of potential weekday daily trips, the City's Transportation System Plan assesses corridor capacity as a function of the weekday p.m. peak hour volumes (with the highest volume portion of Oak Street west of 7<sup>th</sup> Street operating well below capacity in 2035 at a v/c ratio of 0.316). Accordingly, the proposed amendment will not:

- Change the functional classification of an existing or planned transportation facility;
- Change standards implementing a functional classification system; or
- Result in the following:
  - Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility
  - Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
  - Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Accordingly, consistent with the original report the proposed development complies with the Transportation Planning Rule.

## FINDINGS AND RECOMMENDATIONS

This supplemental analysis shows that the proposed development plan complies with the Transportation Planning Rule regardless of whether the multifamily housing scenario or an alternate development scenario is considered. This assessment includes a concurrent site plan application that is used as the basis for this comparative assessment. This concurrent site plan effectively serves as a “trip cap”, and if there are substantive changes to the plan as presented within the traffic report, compliance with the TPR may need to be revisited.

Thank you for the opportunity to provide these supplemental materials, I can be reached for further comment or clarification at (503) 997-4473 or at [joe@transightconsulting.com](mailto:joe@transightconsulting.com).